

Katrina. The Judiciary Committee is meeting at this moment as they consider a nominee for Chief Justice of the Supreme Court.

I have made similar remarks on this floor time and time again. If they have not fallen on deaf ears, they have been ignored, as have the similar remarks of other Senators. How many times do we have to be reminded of our vulnerability as a nation, dependent on foreign oil? Let's start enacting some energy policies that will address this problem immediately, to wean ourselves as quickly as possible from dependence on foreign oil.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2528, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2528

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes, namely:

#### TITLE I

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,602,552,000, to remain available until September 30, 2010: *Provided*, That of this amount, not to exceed \$168,804,000 shall be available for study, planning, design, architect and engineer services, and host nation

support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

In addition, \$50,000,000, to remain available until September 30, 2007, for overhead cover systems to support force protection activities in Iraq: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,109,177,000, to remain available until September 30, 2010: *Provided*, That of this amount, not to exceed \$36,029,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,171,338,000, to remain available until September 30, 2010: *Provided*, That of this amount, not to exceed \$91,733,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, DEFENSE-WIDE

##### (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$976,664,000, to remain available until September 30, 2010: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$107,285,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities

for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$410,624,000, to remain available until September 30, 2010.

##### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$225,727,000, to remain available until September 30, 2010.

##### MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$138,425,000, to remain available until September 30, 2010.

##### MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$45,226,000, to remain available until September 30, 2010.

##### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$110,847,000, to remain available until September 30, 2010.

##### NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$206,858,000, to remain available until expended.

##### FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$549,636,000, to remain available until September 30, 2010.

##### FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$803,993,000.

##### FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$218,942,000, to remain available until September 30, 2010.

##### FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and

maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$588,660,000.

**[FAMILY HOUSING CONSTRUCTION, AIR FORCE]**

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$1,236,220,000, to remain available until September 30, 2010.

**[FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE]**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$755,319,000.

**[FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE]**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$46,391,000.

**[DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND]**

For the Department of Defense Family Housing Improvement Fund, \$2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

**[BASE REALIGNMENT AND CLOSURE ACCOUNT 1990]**

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$377,827,000, to remain available until expended.

**[BASE REALIGNMENT AND CLOSURE ACCOUNT 2005]**

For deposit into the Department of Defense Base Realignment and Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$1,570,466,000, to remain available until expended.

**[BASIC ALLOWANCE FOR HOUSING, ARMY]**

For basic allowance for housing, for members of the Army on active duty, \$3,945,392,000.

**[BASIC ALLOWANCE FOR HOUSING, NAVY]**

For basic allowance for housing, for members of the Navy on active duty, \$3,592,905,000.

**[BASIC ALLOWANCE FOR HOUSING, MARINE CORPS]**

For basic allowance for housing, for members of the Marine Corps on active duty, \$1,179,071,000.

**[BASIC ALLOWANCE FOR HOUSING, AIR FORCE]**

For basic allowance for housing, for members of the Air Force on active duty, \$3,240,113,000.

**[BASIC ALLOWANCE FOR HOUSING, ARMY NATIONAL GUARD]**

For basic allowance for housing, for members of the Army National Guard on active duty, \$453,690,000.

**[BASIC ALLOWANCE FOR HOUSING, AIR NATIONAL GUARD]**

For basic allowance for housing, for members of the Air National Guard on active duty, \$248,317,000.

**[BASIC ALLOWANCE FOR HOUSING, ARMY RESERVE]**

For basic allowance for housing, for members of the Army Reserve on active duty, \$310,566,000.

**[BASIC ALLOWANCE FOR HOUSING, NAVAL RESERVE]**

For basic allowance for housing, for members of the Naval Reserve on active duty, \$191,338,000.

**[BASIC ALLOWANCE FOR HOUSING, MARINE CORPS RESERVE]**

For basic allowance for housing, for members of the Marine Corps Reserve on active duty, \$40,609,000.

**[BASIC ALLOWANCE FOR HOUSING, AIR FORCE RESERVE]**

For basic allowance for housing, for members of the Air Force Reserve on active duty, \$71,286,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, ARMY]**

For expenses for facilities sustainment, restoration and modernization of the Army, \$1,850,518,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, NAVY]**

For expenses for facilities sustainment, restoration and modernization of the Navy, \$1,344,971,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, MARINE CORPS]**

For expenses for facilities sustainment, restoration and modernization of the Marine Corps, \$553,960,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, AIR FORCE]**

For expenses for facilities sustainment, restoration and modernization of the Air Force, \$1,845,701,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, DEFENSE-WIDE]**

For expenses for facilities sustainment, restoration and modernization of the Department of Defense, \$115,400,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, ARMY NATIONAL GUARD]**

For expenses for facilities sustainment, restoration and modernization of the Army National Guard, \$391,544,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, AIR NATIONAL GUARD]**

For expenses for facilities sustainment, restoration and modernization of the Air National Guard, \$184,791,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, ARMY RESERVE]**

For expenses for facilities sustainment, restoration and modernization of the Army Reserve, \$204,370,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, NAVAL RESERVE]**

For expenses for facilities sustainment, restoration and modernization of the Naval Reserve, \$67,788,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, MARINE CORPS RESERVE]**

For expenses for facilities sustainment, restoration and modernization of the Marine Corps Reserve, \$10,105,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, AIR FORCE RESERVE]**

For expenses for facilities sustainment, restoration and modernization of the Air Force Reserve, \$55,764,000.

**[ENVIRONMENTAL RESTORATION, ARMY]**

**[(INCLUDING TRANSFER OF FUNDS)]**

For the Department of the Army, \$407,865,000, to remain available until transferred: *Provided*, That the Secretary of the

Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

**[ENVIRONMENTAL RESTORATION, NAVY]**

**[(INCLUDING TRANSFER OF FUNDS)]**

For the Department of the Navy, \$305,275,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

**[ENVIRONMENTAL RESTORATION, AIR FORCE]**

**[(INCLUDING TRANSFER OF FUNDS)]**

For the Department of the Air Force, \$406,461,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

**[ENVIRONMENTAL RESTORATION, DEFENSE-WIDE]**

**[(INCLUDING TRANSFER OF FUNDS)]**

For the Department of Defense, \$28,167,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

**[ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES]**

**[(INCLUDING TRANSFER OF FUNDS)]**

**[For the Department of the Army, \$221,921,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.]**

**[DEFENSE HEALTH PROGRAM]**

**[For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$19,983,912,000, of which \$19,184,537,000 shall be for operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2007, and of which up to \$10,212,427,000 may be available for contracts entered into under the TRICARE program; of which \$355,119,000, to remain available for obligation until September 30, 2008, shall be for procurement; and of which \$444,256,000, to remain available for obligation until September 30, 2007, shall be for research, development, test and evaluation: *Provided*, That notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$7,500,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.]**

**[ADMINISTRATIVE PROVISIONS]**

**[SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.]**

**[SEC. 102. Funds appropriated in this title for construction shall be available for hire of passenger motor vehicles.]**

**[SEC. 103. Funds appropriated in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.]**

**[SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.]**

**[SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.]**

**[SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.]**

**[SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.]**

**[SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.]**

**[SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.]**

**[SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.]**

**[SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.]**

**[SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.]**

**[SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.]**

**[SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.]**

**[(TRANSFER OF FUNDS)]**

**[SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.]**

**[SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.]**

**[SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.]**

**[SEC. 118. The Secretary of Defense is to provide the Committees on Appropriations of both Houses of Congress with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.]**

**[(TRANSFER OF FUNDS)]**

**[SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.]**

**[(TRANSFER OF FUNDS)]**

**[SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.]**

**[SEC. 121. None of the funds made available in this title may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.]**

**[SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).]**

**[(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including**

the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

[(A) the closure or realignment of the installation for which housing is provided under the contract;

[(B) a reduction in force of units stationed at such installation; or

[(C) the extended deployment overseas of units stationed at such installation.

[(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

[(TRANSFER OF FUNDS)]

[SEC. 123. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

[SEC. 124. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

[SEC. 125. None of the funds made available in this title under the heading “North Atlantic Treaty Organization Security Investment Program”, and no funds appropriated for any fiscal year before fiscal year 2006 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

[SEC. 126. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives or the subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

[SEC. 127. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such

section or until transferred pursuant to subsection (i)(3) of such section.

[(TRANSFER OF FUNDS)]

[SEC. 128. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation, “Foreign Currency Fluctuations, Construction, Defense,” to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

[SEC. 129. None of the funds appropriated in this title available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

[SEC. 130. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B))).

[SEC. 131. None of the funds made available in this title may be used to carry out a military construction project, land acquisition, or family housing project for a military installation approved for closure in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), and the Secretary of Defense may not transfer funds appropriated for such a military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the approval of the Committees on Appropriations of both Houses of Congress.

[SEC. 132. None of the funds in this title for operation, maintenance, or repair of housing for general officers and flag officers in the National Capital Region may be used until the Department of Defense submits the report required by section 2802(c) of the Military Construction Authorization Act for Fiscal Year 2005.

[TITLE II]

[DEPARTMENT OF VETERANS AFFAIRS]

[VETERANS BENEFITS ADMINISTRATION]

[COMPENSATION AND PENSIONS]

[(INCLUDING TRANSFER OF FUNDS)]

[For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$33,412,879,000, to remain available until expended: *Provided*, That not to exceed \$23,491,000 of the amount appropriated under this heading shall be reimbursed to “General operating expenses” and “Medical services” for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the “Compensation and pensions” appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to “Medical facilities revolving fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

[READJUSTMENT BENEFITS]

[For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), \$3,214,246,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

[VETERANS INSURANCE AND INDEMNITIES]

[For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, \$45,907,000, to remain available until expended.

[VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT]

[(INCLUDING TRANSFER OF FUNDS)]

[For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2005, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

[In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$153,575,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

[VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT]

[(INCLUDING TRANSFER OF FUNDS)]

[For the cost of direct loans, \$53,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans,

shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$4,242,000.

[In addition, for administrative expenses necessary to carry out the direct loan program, \$305,000, which may be transferred to and merged with the appropriation for "General operating expenses".

**[NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT**

**[(INCLUDING TRANSFER OF FUNDS)]**

[For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$580,000, which may be transferred to and merged with the appropriation for "General operating expenses": *Provided*, That no new loans in excess of \$30,000,000 may be made in fiscal year 2006.

**[GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT**

[For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37, of title 38, United States Code, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical administration" may be expended.

**[VETERANS HEALTH ADMINISTRATION**

**[MEDICAL SERVICES**

[For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; \$20,995,141,000, plus reimbursements, of which not less than \$2,200,000,000 shall be expended for specialty mental health care: *Provided*, That of the funds made available under this heading, not to exceed \$1,100,000,000 shall be available until September 30, 2007: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 721 of Public Law 107-314, a minimum of \$15,000,000, to remain available until expended, for the purposes authorized by section 8111 of title 38, United States Code.

**[MEDICAL ADMINISTRATION**

[For necessary expenses in the administration of the medical, hospital, nursing home,

domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; information technology hardware and software; uniforms or allowances therefor, as authorized by sections 5901-5902 of title 5, United States Code; administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$4,134,874,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2007.

**[MEDICAL FACILITIES**

[For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, \$3,297,669,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2007.

**[MEDICAL AND PROSTHETIC RESEARCH**

[For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2007, \$393,000,000, plus reimbursements.

**[DEPARTMENTAL ADMINISTRATION**

**[GENERAL OPERATING EXPENSES**

[For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,411,827,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than \$1,086,938,000: *Provided further*, That of the funds made available under this heading, not to exceed \$70,000,000 shall be available for obligation until September 30, 2007: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

**[NATIONAL CEMETERY ADMINISTRATION**

[For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor;

cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, \$156,447,000: *Provided*, That of the funds made available under this heading, not to exceed \$7,800,000 shall be available until September 30, 2007.

**[OFFICE OF INSPECTOR GENERAL**

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$70,174,000, to remain available until September 30, 2007.

**[CONSTRUCTION, MAJOR PROJECTS**

[For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$607,100,000, to remain available until expended, of which \$532,010,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which \$8,091,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2006, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2006; and (2) by the awarding of a construction contract by September 30, 2007: *Provided further*, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of the House of Representatives and Senate any approved major construction project in which obligations are not incurred within the time limitations established above.

**[CONSTRUCTION, MINOR PROJECTS**

[For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103,

8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$208,937,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section, of which \$160,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: *Provided*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

[For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131-8137 of title 38, United States Code, \$25,000,000, to remain available until expended.

#### GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

[For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$32,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

[SEC. 201. Any appropriation for fiscal year 2006 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

[SEC. 202. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901-5902 of such title.

[SEC. 203. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

[SEC. 204. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901-7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

[SEC. 205. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2005.

[SEC. 206. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United

States Code, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

[SEC. 207. Notwithstanding any other provision of law, during fiscal year 2006, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2006 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2006 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

[SEC. 208. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103-356 until October 1, 2006: *Provided*, That the Franchise Fund, established by title I of Public Law 104-204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2006.

[SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

[SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed \$29,758,000 for the Office of Resolution Management and \$3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

[SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

[SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services

from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

[SEC. 213. None of the funds made available to the Department of Veterans Affairs in this Act, or any other Act, may be used to implement sections 2 and 5 of Public Law 107-287 and section 303 of Public Law 108-422.

[SEC. 214. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

[SEC. 215. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

[SEC. 216. That such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of this account.

[SEC. 217. Amounts made available for fiscal year 2006 under the "Medical services", "Medical administration", and "Medical facilities" accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed: *Provided*, That the limitation on transfers is 20 percent in fiscal year 2006.

[SEC. 218. Any appropriation for fiscal year 2006 for the Veterans Benefits Administration made available under the heading "General operating expenses" may be transferred to the "Veterans Housing Benefit Program Fund Program Account" for the purpose of providing funds for the nationwide property management contract if the administrative costs of such contract exceed \$8,800,000 in the budget year.

[SEC. 219. Notwithstanding any other provision of law, the Secretary of Veterans Affairs (Secretary) shall allow veterans eligible under existing VA Medical Care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Services or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing VA facility or VA-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with CARES; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

[SEC. 220. That such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.



[SEC. 221. None of the funds available to the Department of Veterans Affairs in this Act, or any other Act, may be used by the Department of Veterans Affairs to implement a national standardized contract for diabetes monitoring systems.

### [TITLE III]

#### [RELATED AGENCIES]

##### [AMERICAN BATTLE MONUMENTS COMMISSION]

##### [SALARIES AND EXPENSES]

[For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$35,750,000, to remain available until expended.

##### [FOREIGN CURRENCY FLUCTUATIONS ACCOUNT]

[For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, \$15,250,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

##### [UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS]

##### [SALARIES AND EXPENSES]

[For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251-7298 of title 38, United States Code, \$18,295,000, of which \$1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

##### [DEPARTMENT OF DEFENSE—CIVIL]

##### [CEMETERIAL EXPENSES, ARMY]

##### [SALARIES AND EXPENSES]

[For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$29,550,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

##### [ARMED FORCES RETIREMENT HOME]

[For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$58,281,000, of which \$1,248,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

### [TITLE IV]

#### [GENERAL PROVISIONS]

[SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 402. None of the funds provided in this Act may be used, directly or through

grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

[SEC. 403. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

[SEC. 404. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

[SEC. 405. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

[SEC. 406. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

[SEC. 407. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

[SEC. 408. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

[SEC. 409. None of the funds made available by this Act may be used to close or realign any military installation approved for closure or realignment in 2005 before the Secretary of Defense makes the information available upon which the Secretary's closure and realignment recommendations were based, as required by section 2903(c)(4) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

[This Act may be cited as the "Military Quality of Life and Veterans Affairs Appropriations Act, 2006".]

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:*

#### TITLE I—MILITARY CONSTRUCTION

##### MILITARY CONSTRUCTION, ARMY

*For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in*

*Chief, \$1,640,641,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed \$191,393,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.*

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

##### (INCLUDING RESCISSION OF FUNDS)

*For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,045,882,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed \$32,524,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 108-324, \$92,354,000 are hereby rescinded.*

##### MILITARY CONSTRUCTION, AIR FORCE

*For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,209,128,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed \$103,347,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.*

##### MILITARY CONSTRUCTION, DEFENSE-WIDE

##### (INCLUDING TRANSFER OF FUNDS)

*For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$1,072,165,000, to remain available until September 30, 2010: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$133,120,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.*

##### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United*

States Code, and Military Construction Authorization Acts, \$467,146,000, to remain available until September 30, 2010.

#### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$279,156,000, to remain available until September 30, 2010.

#### MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$136,077,000, to remain available until September 30, 2010.

#### MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$46,676,000, to remain available until September 30, 2010.

#### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$89,260,000, to remain available until September 30, 2010.

#### NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$206,858,000, to remain available until expended.

#### FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$549,636,000, to remain available until September 30, 2010.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$812,993,000.

#### FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$218,942,000, to remain available until September 30, 2010.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$593,660,000.

#### FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition,

replacement, addition, expansion, extension, and alteration, as authorized by law, \$1,142,622,000, to remain available until September 30, 2010.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$766,939,000.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$46,391,000.

#### DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. section 2687 note), \$377,827,000, to remain available until expended.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. section 2687 note), \$1,504,466,000, to remain available until expended: Provided, That these funds may not be obligated or expended until the Secretary of Defense submits to the congressional defense committees and receives approval of a report describing the specific programs, projects, and activities for which such funds are to be obligated.

#### GENERAL PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2)

provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriations Acts.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds made available in this title may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

#### (TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such



project were made available if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. The Secretary of Defense shall provide the Committees on Appropriations of both Houses of Congress with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. section 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. None of the funds made available in this title may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved

and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(TRANSFER OF FUNDS)

SEC. 123. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. section 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 125. None of the funds made available in this title may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act, or any other appropriations Act.

SEC. 126. None of the funds made available in this title under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2006 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 127. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 128. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. section 2687 note), unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project, and the Secretary of Defense may not transfer funds made available for such a military construction project, land acquisition, or family housing project to another account or use such funds for

another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 129. Unless stated otherwise, all reports and notifications required by this title shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

TITLE II—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$33,412,879,000, to remain available until expended: Provided, That not to exceed \$23,491,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical administration" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), \$3,214,246,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, \$45,907,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by title 38, United States Code, chapter 37: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2006, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

For administrative expenses to carry out the direct and guaranteed loan programs, \$153,575,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM  
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$53,000, as authorized by title 38, United States Code, chapter 31: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$4,242,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$305,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN  
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by title 38, United States Code, chapter 37, subchapter V, \$580,000, which may be transferred to and merged with the appropriation for "General operating expenses": Provided, That no new loans in excess of \$30,000,000 may be made in fiscal year 2006.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR  
HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by title 38, United States Code, chapter 37, subchapter VI, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical administration" may be expended.

VETERANS HEALTH ADMINISTRATION  
MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; \$23,308,011,000, plus reimbursements, of which \$1,977,000,000 are designated as an emergency requirement pursuant to section 402 of House Concurrent Resolution 95 (109th Congress), the fiscal year 2006 budget resolution: Provided further, That of the emergency funds provided under this heading, the Department of Veterans Affairs shall submit for approval by the Committees on Appropriations of both Houses of Congress, a financial plan outlining how the emergency funds will be obligated: Provided further, That the Department of Veterans Affairs shall include these emergency funds in their base request for the fiscal year 2007 budget submission: Provided further, That of the funds made available under this heading, not to exceed \$1,500,000,000 shall be available until September 30, 2007: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That notwithstanding any other provision of law, the

Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 721 of Public Law 107-314, a minimum of \$15,000,000, to remain available until expended, for any purpose authorized by title 38, United States Code, section 8111.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; uniforms or allowances therefore, as authorized by sections 5901-5902 of title 5, United States Code; and administrative and legal expenses of the Department of Veterans Affairs for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$2,858,442,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2007.

INFORMATION TECHNOLOGY

For necessary expenses, \$1,456,821,000 shall be available for the Department of Veterans Affairs Information Technology program: Provided, That within 90 days of enactment of this Act, the Secretary of Veterans Affairs shall establish an office for Information Technology (IT) with the authority and responsibility for all IT projects: Provided further, That this office shall report directly to the Deputy Secretary of Veterans Affairs: Provided further, That this new organizational structure shall be subject to approval of the Committees on Appropriations in both Houses of Congress: Provided further, That within this amount, no more than \$100,000,000 from all sources shall be available for the HealtheVet project for fiscal year 2006: Provided further, That none of the funds made available for the HealtheVet project may be obligated until such time that the Department of Veterans Affairs creates a single position with the responsibility for and the authority to manage the entire project, including budgetary authority: Provided further, That none of the funds made available for the HealtheVet project may be obligated until the Committees on Appropriations in both Houses of Congress approve a financial expenditure plan for the entire project.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, \$3,297,669,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2007.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code to remain available until

September 30, 2007, \$412,000,000, plus reimbursements, of which, not less than \$15,000,000 shall be used for Gulf War Illness research.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of department-wide capital planning, management and policy activities, uniforms or allowances therefore; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,418,827,000: Provided, That expenses for services and assistance authorized under title 38, United States Code, sections 3104(a)(1), (2), (5), and (11) that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than \$1,093,937,500: Provided further, That of the funds made available under this heading, not to exceed \$71,000,000 shall be available for obligation until September 30, 2007.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefore; cemetery expenses as authorized by law; purchase of one passenger motor vehicle for use in cemetery operations; and hire of passenger motor vehicles, \$156,447,000: Provided, That of the funds made available under this heading, not to exceed \$7,800,000 shall be available until September 30, 2007.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$70,174,000, to remain available until September 30, 2007.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in title 38, United States Code, section 8104(a)(3)(A) or where funds for a project were made available in a previous major project appropriation, \$607,100,000, to remain available until expended, of which \$539,800,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which \$2,500,000 shall be to make reimbursements as provided in title 41, United States Code, section 612 for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which

has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2006, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2006; and (2) by the awarding of a construction contract by September 30, 2007: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That none of the funds in this or any other Act may be used to modify or alter the mission, services or infrastructure of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study as specified by the Secretary of Veterans Affairs.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in title 38, United States Code, section 8104(a)(3)(A), \$208,937,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations, of which \$160,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations of both Houses of Congress: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities; and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes; and for furnishing care to veterans as authorized by title 38, United States Code, sections 8131–8137, \$104,322,000, to remain available until expended.

#### GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by title 38, United States Code, section 2408, \$32,000,000, to remain available until expended.

#### GENERAL PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for the Veterans Benefits Administration for fiscal year 2006 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both

Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Veterans Health Administration for fiscal year 2006 under the "Medical services", "Medical administration", "Information technology", and "Medical facilities" accounts may be transferred between the mentioned accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: Provided further, That no transfer may be made out of the "Medical and Prosthetic Research" account.

SEC. 203. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations in both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration. This report shall contain, at a minimum, both planned and actual expenditure rates, unobligated balances, and any potential financial shortfalls.

SEC. 204. No project for which funds have been appropriated in the "Construction, major projects" account may be canceled or altered in scope by more than 10 percent in cost without submitting a request to the Committees on Appropriations of both Houses of Congress and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 205. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C., sections 7901–7904 or 42 U.S.C., sections 5141–5204), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available to the Department of Veterans Affairs for fiscal year 2006 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2005.

SEC. 207. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2006 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2006, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2006 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary of Veterans Affairs shall determine the cost of administration for fiscal year

2006 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 209. Notwithstanding any other provision of law and hereafter, the Department of Veterans Affairs shall continue the Franchise Fund established by title I of Public Law 104–204.

SEC. 210. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 211. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2006 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed \$29,758,000 for the Office of Resolution Management and \$3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 212. No appropriations in this Act for the Department of Veterans Affairs shall be available to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary of Veterans Affairs submits a report which the Committees on Appropriations in both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 213. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

SEC. 214. Amounts made available under the "Medical services" account are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the department.

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 215. Any appropriation for fiscal year 2006 for the Veterans Benefits Administration made available under the heading "General operating expenses" may be transferred to the "Veterans Housing Benefit Program Fund Program Account" for the purpose of providing funds for the nationwide property management contract if the administrative costs of such contract exceed \$8,800,000 in the fiscal year.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs Medical Care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Services or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan

veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services Activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to title 38, United States Code, section 8118 may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 219. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. That such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the "Medical services" account, to remain available until expended for the purposes of this account.

SEC. 221. Appropriations available to the Department of Veterans Affairs for fiscal year 2006 for salaries and expenses shall be available for services authorized by title 5, United States Code, section 3109; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by title 5, United States Code, sections 5901–5902.

TITLE III—RELATED AGENCIES  
AMERICAN BATTLE MONUMENTS  
COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$36,250,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, \$15,250,000, to remain available until expended, for purposes authorized by title 36, United States Code, section 2109.

UNITED STATES COURT OF APPEALS FOR  
VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by title 38, United States Code, sections 7251–7298, \$18,795,000, of which

\$1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL  
CEMETERIAL EXPENSES, ARMY  
SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$28,550,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the lease of Department of Defense Real Property for Defense Agencies account.

ARMED FORCES RETIREMENT HOME  
ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$58,281,000, of which \$1,248,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi.

This Act may be cited as the "Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2006".

Amend the title so as to read: "An Act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes."

Mrs. HUTCHISON. Mr. President, it is my pleasure today to bring the fiscal year 2006 Military Construction, Veterans Affairs and related agencies bill to the Senate for consideration.

First, I would like to say that as a result of Chairman COCHRAN and Senator BYRD's leadership, we received an increase in our allocation from the very beginning of this process of over \$1.2 billion above the President's request to assist the Department of Veterans Affairs. It was only through this increase that Senator FEINSTEIN and I were able to take care of our Nation's veterans.

This bill stays within our 302(b) allocation. It provides \$12,116,611,000 for military construction and \$70,710,881,000 for the Department of Veterans Affairs and \$157,126,000 for related agencies.

This bill bridges two significant funding gaps in fiscal year 2006 for the Department of Veterans Affairs. This is a total of \$3.2 billion.

First, the President's budget request included two legislative proposals for the VA's health system that would have increased the copayments for prescription drugs and instituted new enrollment fees, both of which were to be paid for by veterans. Revenue estimates for these proposals were approximately \$1.2 billion. The administration reduced the VA's budget request by this amount. This bill does not include either of those two legislative proposals, and instead the subcommittee used all of its increased allocation to cover the \$1.2 billion difference for VA health care.

The second gap in the VA's 2006 budget was a shortfall in VA's health care budget identified by the Secretary of Veterans Affairs this summer. The bill contains \$1.977 billion requested by the administration in a budget amendment. While Senator FEINSTEIN and I have included the full amount requested, the bill designates this funding as an emergency appropriation.

I would like to especially thank the subcommittee's ranking member, Senator FEINSTEIN, for her efforts and cooperation over the summer regarding that particular critical issue. In addition, I thank Senator LARRY CRAIG, and Senator PATTY MURRAY, as well as Senator AKAKA for their help in solving that problem that was looming as an emergency. And we all came to an agreement on a bipartisan basis that is certainly worthy of our colleagues' support. We had part of it as an emergency, and we will finish what we need in the 2006 budget.

The bill recommends \$23.3 billion for the VA's medical services account. This funding level is \$1.3 billion above the President's request. Again, this was only possible with the extra allocation provided by the full committee chairman and ranking member.

This bill recommends \$412 million for medical and prosthetic research. The budget request for this account was \$9 million below the fiscal year 2005 level. The funding level in the bill increases this account above the fiscal year 2005 level by \$19 million.

We have specifically included funds directed solely to research for gulf war illness syndrome. This is an area that I feel very strongly committed to because so many of our veterans came back from the first gulf war—one in seven veterans who returned from that war—with symptoms they had not ever had in their lives. I believe we were slow to recognize that, but we are now putting greater emphasis on that—not only to treat those veterans but also to see what the cause is and prevent future members of our armed services from being susceptible to that kind of chemical warfare. This bill provides full funding as requested for the VA's medical facilities account at \$3.3 billion, as well as new construction and renovation of existing facilities at \$607 million and \$209 million, respectively.

The bill creates an account for the VA information technology. This is a very important effort that will help achieve efficiencies in delivering care to our veterans. We do not have the technology we need in our veterans system to do what needs to be done on an efficient basis. This will reorganize the entire technology portfolio and give Congress more oversight, as well.

For our Nation's veterans compensation, pensions, and other benefit programs, we fully funded the administration's request of \$36.8 billion. The bill

also provides sorely needed funds for military construction with the impending return of troops. As a result of the current overseas rebasing effort, BRAC, Army modularity, and the global war on terror, our service men and women are in a time of great transformation. It is important they have facilities in place to enable the transformation.

The bill, including the first phase of funding for the BRAC 2005 round, should it be approved by Congress, adds \$1.5 billion. We have also included a provision that facilitates congressional oversight by requiring the Secretary of Defense to provide a spending plan before obligating any funds from this account.

The bill also continues funding for many important quality-of-life initiatives, including 11 family housing privatization projects, and it increases Guard and Reserve funding more than \$295 million over the President's request.

For the related agencies under our jurisdiction, we include \$51.5 million for the American Battle Monument Commission, which is \$1 million above its request, and \$28.5 million for Arlington National Cemetery, which is \$500,000 above their request.

Our subcommittee has worked hard to bring a fair and balanced bill. It warrants the support of our colleagues. We could not have done this without the total cooperation of Senator FEINSTEIN and her staff. We have always worked together on a bipartisan basis. We always will on this subcommittee.

I yield the floor to my ranking member, Senator FEINSTEIN.

The PRESIDING OFFICER. Under the previous order, the committee-reported substitute is agreed to as original text for the purpose of amendment, with no points of order waived.

(The committee amendment in the nature of a substitute was agreed to.)

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I am very pleased to join my chairman, Senator HUTCHISON, in recommending the 2006 Military Construction, Veterans Affairs, and related agencies appropriations bill to the Senate. I thank Senators COCHRAN and BYRD for their leadership and assistance in guiding this bill through the committee and to the floor.

I very much appreciate the support of our leaders in allowing us to take up this bill at this time before we have completed action on the Defense authorization or appropriations bills. I recognize this is not the normal order of business. With the clock running and a large amount of unfinished business facing the Senate, it is imperative we press on with these bills as quickly as possible.

With one disastrous hurricane behind us and another bearing down on Texas, we all recognize there is no time to dawdle. We face enormous challenges with these hurricanes. Both Senator

HUTCHISON and I hope and pray it will not bring another measure of devastation on our coastal States. My heart goes out to my chairman, Senator HUTCHISON, to her people, our people, in the State of Texas. I hope we can move this bill quickly so she can return to Texas later today to help her constituents prepare for the onslaught of the storm.

I want the Senator to know all on this side wish you and your people Godspeed. I hope it does not hit as hard as it looks like it might.

Mrs. HUTCHISON. Mr. President, let me say thank you for those kind words. I appreciate them. I know the Senator from California has lived through some very tough earthquakes.

We appreciate the response Congress is giving to the many needs of the victims of Hurricane Katrina and possibly those who will be in a similar situation from Rita.

Thank you very much.

Mrs. FEINSTEIN. We have watched with great pride the heroic actions of our Nation's active and reserve military personnel as they have rushed to respond to devastation caused by Hurricane Katrina. We have watched these same troops courageously carry out their missions in Iraq and Afghanistan.

We ask so much of our military and we all recognize we can never adequately repay our debt of gratitude to them. That said, we as Senators have both the opportunity and the responsibility to ensure programs important to our military forces and our veterans are adequately funded.

As Senator HUTCHISON has said, the bill before the Senate today is a bipartisan effort to provide a portion of that funding for the infrastructure needs of our military and the health care and other needs of our veterans.

I want to emphasize the bipartisan nature of this bill and to especially commend the chairman, Senator HUTCHISON, for her skill and her determination—and she can be very determined—in addressing the budgetary complications posed by merging the massive and troubled budget of the VA into the military construction appropriations bill.

In that respect, when we had hearings, it was interesting to see that Senator CRAIG came, Senator AKAKA came, Senator MURRAY came, the former authorizers, as well as appropriators when the VA was in another budget.

I hope veterans all over the United States recognize how deeply this Senate does care that the VA budget is adequately funded. It was a struggle, but we got there and we got there together. That was thanks to the authorizers and the appropriators and the former appropriators, including my friend Senator MIKULSKI, for working closely with us.

This bill is notable in several regards. First, under the leadership of Chairman COCHRAN and Senator BYRD, we were able to provide \$1.977 billion in emergency funding to address the pro-

jected shortfall in veterans health care. This was originally disputed, but the authorizers found that the percentage of increase in the planning model was wrong. Therefore, additional moneys were, in fact, needed. That was in addition to the \$1.5 billion in the 2005 supplemental funding we were able to add to the 2006 Interior appropriations bill to make up the current shortfall in veterans health care funding. So it was a double effort because money was also added on the Interior bill as well as on our bill.

At a time of tight budget constraints and many competing needs, the Senate Committee on Appropriations demonstrated it stands united in support of our veterans. I very much hope the full Senate and the House will stand by our committee's recommendation.

The bill before the Senate today totals \$82.98 billion, of which \$44 billion is discretionary. For military construction, the bill equals the budget request of \$12.116 billion, although we have rearranged some of the funding within that request.

For the VA, the total amount appropriated in this bill is \$70.7 billion, including \$34.1 billion in discretionary spending and \$36.6 billion in mandatory spending. This is \$3.2 billion above the President's original budget proposal.

Even before we learned of the terrible shortfalls in the VA budget, Chairman COCHRAN and Senator BYRD provided an additional \$1.26 billion to the subcommittee to cover shortcomings in the President's budget request for the Department of Veterans Affairs. Senator HUTCHISON and I used that additional funding to restore proposed cuts to programs and to make up all the savings assumed in the budget submission for proposed enrollment fees and increased pharmaceutical copayments, as the chairman mentioned.

The Senate Committee on Appropriations unanimously rejected levying these fees on our veterans and provided funding to ensure that the VA could continue to provide service to all eligible veterans.

The bill also provides essential funding for military construction, military family housing, and base realignment and closure costs. Once again, Hurricane Katrina has demonstrated the vital mission of the Guard and Reserve forces to respond to disasters at home and the important backup role played by components of our Active-Duty Forces.

As any experienced military member will state, infrastructure is the key to readiness. Our troops can't train or deploy effectively without the infrastructure necessary to support their mission. This bill provides important funding for military infrastructure needs, including family housing. As the chairman mentioned in the privatization of a number of new projects, those needs will only increase as a result of the impact of Hurricane Katrina on a number of facilities and installations in Mississippi and Louisiana.

We must be prepared to meet those emerging requirements and others we may yet face, without slowing down the progress we are making toward addressing the backlog of military construction requirements nationwide. I suggest that a necessary place for some of this will be the next emergency supplemental rather than, hopefully, amendments to this bill.

Finally, this bill includes necessary funding to implement the 2005 base realignment and closure process and to continue the environmental cleanup from the previous BRAC rounds. This is very important to me. I thank the chairman for going along with it because the environmental cleanup needs are far beyond those envisioned or those budgeted.

Much of the remaining environmental cleanup requirements is in my home State of California. I am particularly mindful of the need to finish this job. Senator HUTCHISON has strongly supported me in this effort. I appreciate her concern that we fully fund environmental cleanup of military installations closed under the BRAC process.

Again, I thank Chairman HUTCHISON for her steadfast leadership on this bill, and Chairman COCHRAN and Senator BYRD for their unstinting support of our Nation's military members and veterans. I also thank, because we have a great staff, Tammy Cameron, Sean Knowles, and Dennis Balkam on the majority, and Christina Evans, B.G. Wright, and Chad Schulken of my staff for their professionalism and their excellent work.

This is a good bill. I encourage all of my colleagues on the Democratic side, in particular, to support it and to move expeditiously to pass it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator FEINSTEIN. It is clear we worked very well to address the needs of veterans in our country and the military construction needs of all the services in our country. I, too, thank her staff and my staff, Tammy Cameron, Dennis Balkam, and Sean Knowles, for working together to make sure we do the very best job possible and that we work together.

I also add that I appreciate what Senator FEINSTEIN said about amendments to the bill. We are going to shortly propose a unanimous consent that gives a deadline for Members who may want to do an amendment, but I hope no one will try for amendments related to Katrina or Rita because we will have another supplemental for those purposes and we would like to keep this bill in our 302(b) allocation.

Speaking of Katrina and Rita, I commend the Department, especially, for the way they have handled the emergencies that have faced them. When Katrina was threatening the New Orleans and Mississippi areas, they moved the patients out of harm's way before they were threatened. Before anyone

said they had to, they were calling the families of patients, explaining the options and telling the families where the patients were being moved. Records were moved to safe locations. Emergency stockpiles of prescription drugs were routed to the areas where the patients were going. It was truly a phenomenal success. Not one veteran who was in the care of the Veterans' Administration was in any way harmed because of this evacuation and this service. Every single veteran had medication dispensed on time. Special arrangements were made to deliver benefit payments to those who did not have an address or a bank where they were.

Victims who were not veterans were also helped. No one was denied medical treatment. VA doctors were there to help everyone, and they did. This is due to the professionalism of the Department and the detailed prior planning.

I can tell you the Department of Veterans Affairs is now doing the exact same thing in the areas that are thought to be in the path of Hurricane Rita. They are beginning to evacuate the veterans who might be in harm's way. They will continue to be ready to assure that all of our veterans on medications will have those medications. I commend Secretary Nicholson and all of the professionals at the Department of Veterans Affairs for stepping up to the plate and taking care of our veterans who are in these emergency situations on the gulf coast today.

There is no question that all of us—I happen to have been born in Galveston. I have lived through hurricanes, and I know how devastating it can be to an area to be struck by a hurricane. I was going to college when Hurricane Carla struck, which was the largest hurricane we had ever had since the 1900 storms in Galveston. It was a level 4.

Now we are looking at possibly a level 5. So I have a lot of friends and family who are in the area who are just waiting to see what is going to happen. And it takes something out of you, there is no question.

But our veterans are going to be taken care of. The people of America who are in trouble are going to be taken care of by our Federal, State, and local communities that are all working together to make sure that when Americans are in need, Americans will be there to do our part to ease this pain.

So thank you, Mr. President. I thank my distinguished ranking member, Senator FEINSTEIN, for her concern. I commend our Secretary of Veterans Affairs for working with us through many of the travails we have had to assure that our veterans get the care they need and that our Active-Duty military also have the military construction for their quality of life.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from California.

Mrs. FEINSTEIN. If I may, Mr. President, I very much concur with what my

chairman has just said. In watching on television, one of the things that has come through to me is the enormous sensitivity of our military toward people's plights. What is coming back from people is: Oh, they are treating us so well. They really care.

I believe that is a real commendation for the American military, thrown into a situation for which they are not necessarily trained. After all, they are trained for war fighting. They have done amazingly. I think from the top, when General Honore went down—no nonsense, "move that gun down"—there was no doubt who was in command. It was a true command presence and followed down through the ranks in an amazing way.

So I just want to say thank you very much to each man and woman who is down there helping people go through some of the worst days of their lives.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator FEINSTEIN for bringing that up because there are so many stories.

I talked to the FEMA Director yesterday, and he has already gone to the Department of Defense to get a mobile hospital pre-positioned in the area where Rita might come so we would have a MASH unit ready to help people who might be injured. He has asked for helicopters, which he is going to get, for evacuation and rescue missions.

I do think the military has really stepped up to the plate in Alabama, Mississippi, and Louisiana. They are ready to go and will be going to help the people of Texas where we think the brunt of this storm will hit.

The other unsung heroes and heroines of this plight are the men and women of the Coast Guard. The person in charge from the Federal Government for the effort in Texas is going to be the admiral from the Coast Guard because they have done an incredible job. Admiral Allen over in Louisiana is doing a wonderful job. And now we will have other Coast Guard personnel helping with the operation in Texas.

So I have been working in the last 24 hours with our State and local officials and our Federal officials to assure that the resources are there. I am convinced everything that can be done is being done and that if you can be prepared, we are prepared. But we all know hurricanes are unpredictable in many ways, and we are in for probably a tough time. We are up to it. We will make sure whatever can be done to ease the pain of people who are in harm's way will be done.

I thank the Senator so much for her statement and the concern of all of my colleagues. Just as we have stated our concern to our colleagues from Louisiana and Mississippi and Alabama, people now realize we have another State to add to the emergency needs of our country. I have no doubt everyone will be there doing everything possible for my constituents in Texas.



Mr. President, we are going to shortly propose a unanimous consent request. I ask any of my colleagues who might have amendments to get down to the floor immediately because we know of no amendments other than a couple we have in the mix. Senator COBURN has one, and we have one from Senator FEINSTEIN for Senator CARPER and Senator BIDEN. Those are the only ones we have been informed would be here, and we are going to dispatch those.

So I will ask for a quorum call so we can come back shortly for a unanimous consent request. But if anyone is thinking of an amendment, I would ask my colleagues to address it immediately.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, we do have a couple of other amendments. Senator DEWINE has put an amendment in. But I am going to say that if we do not hear from anyone by 12:30, we are going to prepare to go to third reading and set a timetable for the vote. So I am just giving our colleagues fair warning that at 12:30, we will lock in the third reading and the vote on the Military Construction and Veterans Affairs and related agencies appropriations bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I appreciate the expeditious way our leader and the chairman of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies has brought this important appropriations bill to the floor. It is, in my opinion, without question, that we ought to try to deal with all of our appropriations bills this year, complete them individually, complete the total process. We have seen the difficult and confusing process of omnibus bills over the last couple of years. Clearly, this Congress ought to demonstrate to the American taxpayer that we can conduct our budgeting and our appropriating process in a reasonable and responsible fashion to move ahead. The chairman of the subcommittee is urging us to come to the floor if we have amendments and address them in a timely fashion, to see if we can complete work on this appropriations bill today. I appreciate that.

As chairman of the Veterans' Affairs Committee, I have worked closely with the chairman and the ranking member of this subcommittee to assure that we have adequately funded the Veterans' Administration. As our colleagues know—and certainly observers have known—we have had difficulty in effective and responsible projections of costs. As we have seen a ramping up of services to America's veterans and as the quality of veterans health care improves, there has been a substantially greater number of veterans who have chosen to use the veterans health care system to provide for their needs. As a result, H.R. 2528 provides \$70.71 billion to the Department of Veterans Affairs, the highest amount of appropriated dollars in the history of the Department. Of this funding, \$34.09 billion is discretionary funding, meaning spent across the spectrum of veterans services, which is \$1.26 billion above the administration's request, and \$23.32 billion is for medical services which is \$1.3 billion above the administration's request. Not only did the administration come in at a higher number, but as the needs changed, Congress came in at an even higher number. That speaks clearly to our commitment to America's veterans, as we have always responded to their needs in what we believe to be a direct, straightforward way.

The overall budget of Veterans Affairs has risen \$22.5 billion or 47.5 percent, with average increases for all veterans at nearly 7.8 percent every year. I am talking about since the Bush administration took office. These increases more than double the growth of the entire Federal budget, which has increased by 4.14 percent. I am talking about the Department of Veterans Affairs.

Anyone who says we are not meeting the obligation to America's veterans with unprecedented increases and increases that are substantially more than in other areas of our Federal budget simply hasn't looked at the numbers and the level of health care being provided. Health care funding alone has grown by \$10 billion, or 52 percent, during the Bush administration. With that attention and response from the Congress and this President, VA has become a modern health care system, described in recent national publications as the best health care anywhere. Of course, that is exactly why we now see more veterans seeking veterans health care; it is not the health care of last resort. It is the health care of first choice. It is a modern, quality delivery system all of us can be proud of, not only because we are providing it but because it serves America's heroes in a way that we feel an appropriate obligation to do so.

I thank Chairman HUTCHISON for the work she has done, and the ranking member, Senator FEINSTEIN, for their cooperative effort with us as we have worked our way through this difficult funding process for veterans. The job is well done. The services and the re-

sources provided are responsible and adequate for the serving of America's veterans.

I am privileged to serve on this subcommittee, to work with the chairman and ranking member to accomplish this task. I also have the unique responsibility of serving as chairman of the authorizing Committee on Veterans' Affairs. I am pleased and proud of the work we are doing, not only for America's veterans today but for those who are soon to become America's veterans. The brave men and women serving us in the defense of our freedom in the war on terrorism in Iraq and Afghanistan are coming back. Many of them will be requiring significant services as they have been injured and found themselves in harm's way. Of course, that is our responsibility. We will not back from it in any way. America's veterans or America's serving men and women soon to be veterans need to know that this Congress has and will continue to address their needs in a responsible fashion, to serve them as we appropriately must, sometimes having to draw priorities but recognizing that those needing the care are going to get the care, the kind that is appropriate and responsible for America's heroes, America's veterans, and men and women currently serving in the armed services.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HURRICANE KATRINA

Mr. CHAMBLISS. Mr. President, I rise to express my heartfelt sympathy for the hundreds of thousands of Americans who have been impacted and displaced by Hurricane Katrina. Many people will feel the effects of a natural disaster of this magnitude for years. My thoughts and prayers are certainly with them all.

There have been an awful lot of negative publicity and stories surrounding this natural disaster. But there also have been a number of positive activities that have taken place leading up to Katrina's arrival, during the storm itself, as well as in the aftermath. I would like to share some of those stories.

Since Katrina made landfall on August 29, 2005, public and private agencies have worked closely together to survey the damage to Mississippi, Louisiana, and Alabama. The hurricane affected the Port of New Orleans and the

ports along the gulf coast and grain facilities along the Mississippi River. Reports estimate that the total damage to the Port of New Orleans is approximately \$1.6 billion, including damage to two bridges and a lock.

The Port of New Orleans is an economic asset to the City of New Orleans, contributing approximately \$88 million to the city's economy and \$1.6 billion to the statewide economy of Louisiana in the year 2001 alone. According to the New Orleans Customs District, for the period October 2004 through June 2005, an 8-month period, the dollar value of exports for bulk agricultural products is almost \$1 billion going through New Orleans. This is almost half of the bulk product, by value, exported from the United States every year. In 2004, bulk amount was \$25.6 billion.

As many of my colleagues are aware, transportation on the Mississippi River is very important to our Nation's farmers and is critical to keeping U.S. agriculture positioned and able to serve U.S. markets for grain, oilseeds, and grain products shipped from New Orleans. The Mississippi gulf typically is responsible for about 71 percent of corn, 65 percent of soybeans, and 22 percent of wheat exports. This system is one of the most important elements in keeping U.S. grains and oilseeds, particularly corn and soybeans, as well as several other U.S. agriculture products, competitive in the world markets. Of the 50.2 million metric tons exported from U.S. ports thus far in 2005, 29.7 million metric tons or 59 percent was exported from the Mississippi gulf.

Export elevators in the Mississippi gulf region range in storage capacities from 2 million to more than 7 million bushels each. These facilities have a rated vessel loading capacity generally ranging from 60,000 to 100,000 bushels per hour.

As chairman of the Committee on Agriculture, my staff has been in touch with all of the major U.S. grain exporters following Katrina's aftermath moving north. The grain export industry and the industry's supporting transportation infrastructure affected by this disaster committed early on to resume operations as soon as possible. Through continued perseverance, the National Grain and Feed Association, NGFA, and the North American Export Grain Association, NAEGA, which represents those business that handle 70 percent of the U.S. grain and oilseed crop, have prioritized the recovery operations of the grain export infrastructure in this region.

Due to the accomplishments of the private sector, as of today, the grain export elevators are operating at a storage capacity in excess of 84 percent in New Orleans. Moreover, the Federal agencies, especially the U.S. Army Corps of Engineers and the U.S. Coast Guard, have made this possible because of the cooperation between the private sector and the lessees of the port facilities, such as Cargill and ADM and other grain brokerage companies.

Grain exporters, allied industries, and multiple U.S., State and local government entities continue to work around the clock under very challenging conditions to restore operations on the Mississippi River and the affected region. While normal operating conditions at these facilities are not fully restored, many of the obstacles are being addressed successfully to have them operate at full capacity.

A common challenge for every company is making sure enough workers can reach their facilities and have a warm bed and a hot meal. Elevator workers, port workers, and USDA grain inspectors were displaced by the hurricane's extensive damage or complete destruction to their homes—and they also obeyed evacuation instructions. All of these people need housing and the appropriate infrastructure in order to be able to return to work.

As the companies secure adequate housing and living quarters for the employees and their families, the employees of the industry, the Port of New Orleans and other gulf coast ports can more quickly get back to work to ensure U.S. agriculture continues feeding the world.

This is at a point in time during the harvest of grains in the Midwest where we are at our peak, and it is such a critical factor, not just for the city of New Orleans but for all of our grain producers in the Midwest that put their grain on barges, ship them down the Mississippi River to the Port of New Orleans and other gulf coast facilities.

The private sector, the Department of Agriculture, the Army Corps of Engineers, and the Coast Guard are diligently working to restore the gulf coast ports to full capacity in a timely manner. Congress will continue to provide these agencies the resources and the private sector the ability they need to do so.

I am confident that the United States will continue to be a reliable supplier to the international community of grain. I commend the tireless efforts of the U.S. Government agencies, NAEGA, NGFA, and the companies involved in resuming operations of the Port of New Orleans, the ports along the gulf coast and grain facilities along the Mississippi River.

There continue to be many great stories of other individuals and companies contributing and sacrificing time, money, and even their safety to help the victims of Katrina. In my home State of Georgia, many folks are volunteering in evacuee shelters, contributing food, clothes, and money. Some are even housing evacuees. Companies and their employees are joining the effort as well.

The marquee company of my home State is Coca-Cola. Coca-Cola, its bottlers, and their employees are doing their part to assist the victims of Katrina. Coca-Cola had its incident management team in place prior to the storm making land to coordinate its

response to Hurricane Katrina. With a number of facilities damaged or without electricity in the affected area, Coca-Cola and its bottlers immediately began producing water and an assortment of beverages from other plants for donation to FEMA and other relief agencies, even as they attempted to reach employees in the affected areas.

Running short of bottles and cans to deliver water and juice for children, Coca-Cola employees modified 2.5-gallon containers, which are normally used for syrup in restaurant fountain dispensers, and converted them to hold various beverages for shipment to emergency shelters at the Astrodome and other places in and around the affected area.

To date, Coca-Cola and its bottling partners have shipped more than 30 million containers of filtered water, juice, sport drinks, and other beverages to relief organizations, including the American Red Cross, Department of Defense, FEMA and Mississippi Emergency Management Agency and food service partners such as Aramark.

The Coca-Cola company and the Coca-Cola Bottlers Association committed \$5 million to Hurricane Katrina relief. A major portion of the donations went to the American Red Cross and the Salvation Army, with \$2 million being set aside to aid displaced Coca-Cola employees.

Because of Georgia's experience in disasters and because of the expertise in mobile medical centers, Ben Hinson, the owner of Mid Georgia Ambulance Company was asked by the State of Louisiana to coordinate all ambulance and paramedic services coming into the State.

Within 2 days of Hurricane Katrina making landfall, Ben was on the ground delivering medical services and coordinating response teams from all over the country. His company along with other Georgia ambulance services would eventually send 20 ambulances and 50 paramedic crews to help in the relief efforts.

Ben and his son, Shay, now manage over 600 paramedics and nearly 400 ambulances, a number that is growing every day as more States and localities continue to mobilize. Mid Georgia Ambulance is also working side by side with Navy medical teams in St. Bernard Parish providing triage and primary medical care to survivors.

Home Depot is another company which is passionate about helping its neighbors and communities during times of need. Home Depot responded with unwavering support to help Louisiana, Mississippi, Alabama and Florida residents recover from this catastrophe.

One of Home Depot's policies during such emergencies is to freeze prices on all hurricane commodities to assure that no price gouging can take place. Home Depot also established a 24-7 hurricane command center to support efforts to restore operations in the field. Home Depot relocated 950 associates to work in affected stores while

impacted associates focus on the needs of their families and homes. They raised credit limits on its consumer credit cards and extended special offers to customers in the affected areas. They dispatched Loss Prevention personnel and uniformed guards to ensure the safety of customers and associates in affected and surrounding stores and temporary support centers.

The Home Depot understands that its employees are the most important company asset and many were disaster victims themselves. To create a support network for short-term financial assistance to help ensure the safety of each associate and their families, Home Depot provided more than \$1.2 million through 1,350 grants to workers impacted by Hurricane Katrina.

They also set up a toll-free disaster assistance line for affected associates. The hotline helps associates find temporary housing, provides transfers to other store locations and contacts mortgage and credit card companies to temporarily suspend payments, among other services.

The Home Depot has donated \$1.5 million to support immediate relief and recovery efforts by relief organizations including \$400,000 to the American Red Cross and Salvation Army, and \$600,000 to support long-term rebuilding and volunteerism efforts.

The Home Depot Foundation donated \$500,000 to community development organizations that rebuild low- to moderate-income housing in affected areas. With the help of its vendor partners, the Home Depot has provided and shipped nearly \$1.25 million in in-kind product donations including generators, gloves, flashlights and batteries, floodlights, food, cleaning supplies and linens. This effort by Home Depot will continue until the cleanup process is completed.

Georgia's own Center for Disease Control has directed much of its resources toward providing both immediate help to the victims' day-to-day health needs, as well as the long-term difficulties of containing the spread of disease and infection.

CDC positioned personnel on the ground in Louisiana prior to the storm making land.

Dr. Julie Gerberding, CDC Director, has asked the CDC Foundation to activate its Emergency Preparedness and Response Fund, created after 9/11 to provide flexible and immediate resources for CDC to use in a public health emergency.

Dr. Gerberding has also activated the CDC state-of-the-art Bernie Marcus Emergency Operations Center to support the Department of Health and Human Services as a coordinating hub for the hurricane response.

Public health scientists, relief workers, and medical supplies as well as environmental and medical test samples have been on the flights to and from the affected areas.

As of today, September 22, the CDC has sent hundreds of thousands of doses

of antibiotics and maintenance medications for chronic diseases such as diabetes, heart disease, high blood pressure, pain and anxiety, just to name a few. Also included are IVs, insulin syringes, and basic pharmaceuticals.

CDC has deployed 246 professionals to the field. Specialties include nursing, epidemiology, sanitation, occupational safety, disease surveillance, and risk communication.

CDC is helping to vaccinate thousands of children at evacuation centers' and CDC experts are helping to organize, implement, and assess the evacuation centers' vaccination program.

CDC has been focusing on food-borne, water-borne, and insect-borne infectious disease outbreaks as well as checking water quality, restoring critical laboratory functions and rebuilding public health and laboratory infrastructures.

Many evacuees in Louisiana, Mississippi, and Alabama lost their personal health records. These needs are being addressed through existing immunization systems.

In Louisiana alone, CDC estimated that 8,300 queries were made to the Louisiana Immunization Network for Kids statewide—LINKS—regarding vaccination histories for kids that were evacuated. CDC is using LINKS to determine health records of children and providing immunizations for those in need and for those with no proof of health records.

A story of human interest: Liz O'Mara surveys a shelter in Jackson, MS. A CDC public health advisor, she spent her second week of marriage on a cot in a conference room with 10 men "who snored!" But she says:

It is an honorable experience to play a small part of a State and local response effort. We—Strategic National Stockpile—are not here as individuals, but as a team. We rely on each other's commitment to their specific responsibilities and expertise as a synchronized unit, or we simply would not be very successful assisting with State and local needs.

I am proud of the efforts that Georgians, as well as all Americans are doing to help those who are suffering from Hurricane Katrina. We owe them a great deal of gratitude.

Thank you, Mr. President.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

#### AMENDMENT NO. 1852

Mr. AKAKA. Mr. President, I call up my amendment No. 1852.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 1852.

Mr. AKAKA. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional \$10,000,000 for the Readjustment Counseling Service, with a corresponding offset from the HealtheVet account)

On page 76, line 22, strike "\$23,308,011,000" and insert "\$23,318,011,000".

On page 77, line 1, insert "\$109,000,000 shall be available for the Readjustment Counseling Service: *Provided further, That*" after "this heading".

On page 78, line 22, strike "\$1,456,821,000" and insert "\$1,446,821,000".

On page 79, line 7, strike "\$100,000,000" and insert "\$90,000,000".

Mr. AKAKA. Mr. President, this amendment would plus-up the Readjustment Counseling Service's funding by \$10 million. RCS is the arm of VA that operates the Vet Centers that many of us know so well. Vet Centers have traditionally provided needed counseling services to veterans of the Vietnam War in community-based settings for over two decades.

Now, in the midst of Operations Iraqi Freedom and Enduring Freedom, the mission of the Vet Centers has been expanded to include outreach and counseling for service members, including members of the Guard and Reserve, who are returning from these conflicts.

By providing the Vet Centers with an additional \$10 million in funding, VA would be able to hire additional professional family therapists at Vet Centers nationwide to provide services to family members of veterans deeply affected by their service in combat. The readjustment period can be difficult for the entire family.

We have all heard the statistics emerging from the groups that have already come back from OIF and OEF. Families and marriages have suffered due to rough transitions, and many have resulted in divorce.

These additional funds would also augment Vet Centers in underserved rural communities and would expand the capacity for these centers to provide readjustment services to those veterans who may struggle with obtaining access because they live in a remote area.

Surviving family members of those servicemen who paid the ultimate price, will be able to find solace through the Vet Center's bereavement counseling program. Vet Centers would be able to hire more bereavement counselors to provide counseling for those who must endure the pain of losing a family member in combat.

Finally, I point out that in his testimony to the Committee on Veterans' Affairs this past June, VA Secretary Nicholson stated that only \$8 million would be required for additional services that were already being implemented by the Vet Center program, such as providing additional outreach workers. We need to make sure that these services are secure by providing

the funds necessary to implement them. The requested amount would do that and go even a bit further to support this invaluable program.

Mr. President, I ask for support of this amendment, knowing how important it is today for our veterans, and look forward to its adoption.

I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

#### GLOBAL CLIMATE CHANGE

Mr. STEVENS. Mr. President, in August, the voice of the Anchorage Times printed an article authored by my good friend Dr. Syun-Ichi Akasofu. Dr. Akasofu is the director of the International Arctic Research Center in Fairbanks. He is one of the world's leading experts on Arctic science and global climate change.

Given the interest some of our colleagues have recently shown on this subject, I ask unanimous consent that Dr. Akasofu's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Voice of the Times, Aug. 23, 2005]

#### ALASKA GLACIERS RECEDING SINCE 1800

(By Dr. Syun-Ichi Akasofu)

Few can argue that the earth's temperature is not changing—especially in Alaska. However, before we create fundamental policy changes, let's keep everything in context.

Our work at the International Arctic Research Center and that of many other scientists has produced significant findings. One thing we do know is that there is no definitive scientific proof that all of the present global warming is attributable to humans, or caused by the greenhouse effect. Natural changes are also important factors to consider.

First, the Ice Age was only an average of 6° C cooler than today. There is permafrost in Alaska and Siberia, which is the product of the Ice Age. The fact that it still exists and is still thawing is partly due to the fact that the Ice Age has not concluded yet. The present warming must partly be due to the recovery from the Ice Age.

Alaska glaciers have been receding since 1800, before greenhouse gases increased significantly after the Little Ice Age. Portage Glacier has been receding from about 1890 or earlier (the earliest record).

Additionally, we cannot scientifically explain the complicated way the Arctic sea ice along the Alaska Arctic coast and other areas such as Siberia are receding. We do know that the resulting open sea allows for the development of intense cyclones that cause serious coastal erosion in Alaska and elsewhere. It cannot be concluded that this is a result of the greenhouse effect.

Two other factors to consider are the North Atlantic Oscillation and solar output.

We know that the warm North Atlantic water that is flowing into the Arctic Ocean is an important factor in warming the Arctic Ocean. The intensity of this flow occurs in pulses, some of which are driven by cyclical changes known as the North Atlantic Oscillation.

In addition, the sun has been putting more energy out during the last 100 years, which is estimated to be equivalent to a 0.2° C increase (not the greenhouse effect!), one third of the 0.6° C, which has been determined to be the official estimate of global warming during the last 100 years.

Added to such long-term trends, there are multi-decadal and interannual fluctuations. Three years ago, Europe suffered from an intense heat wave. One can easily see that it was not due to the greenhouse effect, since uncommonly hot summers in Europe did not make the headlines either last year or this year.

Likewise, it has been said that the number of hurricanes is increasing, however, there is no clear indication of it. These are interannual fluctuations.

In addition to actual temperature changes, there are other issues to consider. One such case is that many recent disasters have been attributed to the greenhouse effect without scientific proof; this includes the great floods in Bangladesh and India in recent years.

These floods may partly be due to massive deforestation in these countries, to which some people must be held responsible. On the other hand, by saying it is due to the greenhouse effect, I am afraid that they are hiding behind the greenhouse catastrophic scenario. The danger from such confusion and hysteria may be even greater than from global warming itself.

In this respect, the reduction of CO<sub>2</sub> release must be based on a carefully assessed scientific ground, not the catastrophic scenario. The United States spends more than any other country on climate change research—\$5 billion next year. We should address the impacts of climate change while allowing scientists to continue their work on the true causes of these changes. Let's base our policy decisions on sound science—not hysteria.

Mr. STEVENS. Mr. President, I trust Dr. Akasofu's research and opinions. He has published more than 550 articles and is the author or coauthor of 10 books. His work has shown that he is an expert in Arctic research. It has shown that while there is little doubt the Earth's temperature is changing, there is still much debate about what is causing this change.

In his article, Dr. Akasofu says that the:

[One] thing we do know is that there is no definitive scientific proof that all of the present global warming is attributable to humans, or caused by the greenhouse effect.

Some of the changes we are seeing are the most recent stage in a historic evolution. In Alaska, our glaciers have been receding since 1800, long before the advent of the so-called greenhouse gases.

In the past 100 years, the Sun has been giving off additional energy, which is likely responsible for one-third of the .6-degree Celsius increase in global temperature. And there is now the so-called Atlantic and Pacific oscillation that may be dumping more heat, that is, warm ocean water, into the Arctic Ocean.

Changes in climate and weather patterns are not isolated events. They are part of a long-range historic trend or trends. One cannot arrive at sound conclusions about the causes by observing the changes which occur in their own lifetime. Reliable conclusions can only be reached by sound science and the type of research being conducted by Dr. Akasofu and his staff.

We must not substitute our own casual judgment for sound science. This will only lead to confusion. And Dr. Akasofu warned that:

The danger from such confusion and hysteria may be even greater than from global warming itself.

The effects of global climate change are real. Regardless of the cause, changes are underway in the Arctic regions, including Alaska, and we must deal with these effects. But we must also allow the scientists to reach scientifically based conclusions on what is causing this phenomenon.

The basic problem we face is distinguishing between natural causes and human impact. The Commerce Committee's Subcommittee on Global Climate Change, chaired by Senator VITTER and cochaired by Senator LAUTENBERG, held a hearing on global climate change policy in July. During that hearing, I asked Dr. James Mahoney, Assistant Secretary of Commerce for Oceans and Atmosphere, about the situation and he told me:

Sometimes there are . . . political arguments that want to go in one extreme or the other. The scientific argument is much more complicated in the middle.

Figuring out what is really happening in the Arctic will be very important to answering the overall question of global climate change, and I am dedicated to pursuing this. As far as the United States is concerned, the evidence of global climate change is more apparent in Alaska than anywhere else. We should prepare for its effects, but I want to seek sound science before we enact policies aimed at its causes.

We have created two subcommittees in the Commerce Committee that deal in some way with global climate change, and we will continue in our committee to address this issue. But I think it is very dangerous to make, as Dr. Mahoney called them, the "political arguments." We must follow science on this issue, and I commend Dr. Akasofu for leading those efforts.

Mr. President, I thank the chair. I yield the floor.

I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, we have a series of amendments that have been cleared on both sides, and I ask unanimous consent that the pending amendments be temporarily set aside so that I could send these amendments

individually to the desk for their consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## AMENDMENT NO. 1858

Mrs. HUTCHISON. On behalf of Senator COBURN, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. COBURN, proposes an amendment numbered 1858.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

At the appropriate place, insert the following:

SEC. . Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2528 shall also be included in the conference report or joint statement accompanying H.R. 2528 in order to be considered as having been approved by both Houses of Congress.

Mrs. HUTCHISON. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1858) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1859

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator CARPER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. CARPER, proposes an amendment numbered 1859.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that, of the amount made available by title I for military construction for the Air National Guard and available for planning and design, \$1,440,000 shall be made available for planning and design for a replacement C-130 maintenance hangar at Air National Guard New Castle County Airport, Delaware)

On page 72, between lines 13 and 14, insert the following:

SEC. 130. Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, AIR NATIONAL GUARD" and available for planning and design, \$1,440,000 shall be available for planning and design for a replacement C-130 maintenance hangar at Air National Guard New Castle County Airport, Delaware.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1859) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1860

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator BOXER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mrs. BOXER, proposes an amendment numbered 1860.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on housing assistance to low-income veterans)

On page 93, between lines 20 and 21, insert the following:

## SEC. 222. REPORT ON HOUSING ASSISTANCE TO LOW-INCOME VETERANS.

(a) IN GENERAL.—The Comptroller General shall conduct a study on housing assistance to low-income veterans, including—

(1) an estimate of the number of low-income, very low-income, and extremely low-income veteran households;

(2) a description of the demographic and socioeconomic characteristics and health and disability status of such households;

(3) an estimate of the number of such households experiencing a high cost burden in, overcrowding in, or poor quality of housing, or experiencing homelessness;

(4) an assessment of such households, including their current barriers to safe, quality, and affordable housing and levels of homelessness among such households;

(5) the extent to which Federal housing assistance programs provide benefits, including supportive services, to all veteran households and in particular to low-income, very low-income, and extremely-low income veteran households;

(6) the number of units designated for or occupied by veterans and low-income, very low-income, and extremely low-income veterans in Federally subsidized or insured housing;

(7) a summary description of the manner in which veteran compensation, veteran dependency and indemnity compensation, and veteran pension are considered as income or adjusted income for purposes of determining—

(A) eligibility for Federal housing assistance programs; and

(B) the amount of rent paid by a veteran household for occupancy of a dwelling unit

or housing assisted under Federal housing assistance programs;

(8) a summary description of the special considerations made for veterans under—

(A) public housing plans submitted under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1); and

(B) comprehensive housing affordability strategies submitted under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705);

(9) the extent to which public housing authorities have established preferences for veterans for public housing and housing choice vouchers;

(10) the number of homeless veterans provided assistance, cumulatively and currently, under the program of housing choice vouchers for homeless veterans under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)), and the current status of the program, including—

(A) the number of vouchers the Department of Housing and Urban Development currently allocates to the Department of Veterans Affairs;

(B) the monetary value of such vouchers; and

(C) the names and locations of VA medical centers receiving such vouchers; and

(11) a description of activities relating to veterans of the Department of Housing and Urban Development.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Housing and Urban Development.

(2) The Secretary of Veterans Affairs.

(3) Low-income, very low-income, and extremely low-income veterans.

(4) Representatives of State and local housing assistance agencies.

(5) Representatives of nonprofit low-income housing providers and homeless service providers, including homeless veteran service providers.

(6) National advocacy organizations concerned with veterans, homelessness, and low-income housing.

(c) TIMING OF REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under this section.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1860) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1861

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator ISAKSON and Senator CHAMBLISS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. ISAKSON and Mr. CHAMBLISS, proposes an amendment numbered 1861.

Mrs. HUTCHISON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that, of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY", \$4,550,000 shall be made available for the construction of a military police complex at Fort Gordon, Georgia, and to provide an offset)

On page 72, between lines 13 and 14, insert the following:

SEC. 130. (a) Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY", \$4,550,000 shall be made available for the construction of a military police complex at Fort Gordon, Georgia.

(b) The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY" and available for Fort Gillem, Georgia, is hereby decreased by \$4,550,000.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1861) was agreed to.

#### AMENDMENT NO. 1862

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator FEINSTEIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mrs. FEINSTEIN, proposes an amendment numbered 1862.

Mrs. HUTCHISON. I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase by \$25,000,000 the amount made available by title I for the Department of Defense Base Closure Account 1990, and to provide an offset)

On page 72, between lines 13 and 14, insert the following:

SEC. 130. (a) The amount appropriated by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990" is hereby increased by \$25,000,000.

(b) The amount appropriated by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005" is hereby decreased by \$25,000,000.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1862) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1863

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator FEINGOLD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. FEINGOLD, proposes an amendment numbered 1863.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Veterans Affairs to report to Congress on a plan to provide veterans benefits handbooks to all county veterans service officers)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) Not later than 60 days after the date of enactment of this Act, the Secretary of Veterans Affairs, after consultation with the National Association of County Veterans Service Officers, other veterans service organizations, and State Departments of Veterans Affairs shall submit a report to the committee on Appropriation of the Senate that describes a plan (including estimated costs) to provide an adequate supply of the 2006 edition of handbook entitled, Federal Benefits for Veterans and Dependents, and all subsequent editions, to all county veterans service officers in the United States.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1863) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

#### AMENDMENT NO. 1864

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator DURBIN and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. HUTCHISON], for Mr. DURBIN, proposes an amendment numbered 1864.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To place conditions on the use of appropriated funds for reviewing or revoking approved disability claims for post-traumatic stress disorder and to prohibit the Secretary of Veterans Affairs from using Federal funds for certain investigations until after the submission of a detailed implementation plan to the Committee on Appropriations)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. None of the funds made available in this Act or any other Act may be used—

(1) to revoke or reduce a veteran's disability compensation for post-traumatic stress disorder based on a finding that the Department of Veterans Affairs failed to collect justifying documentation unless such failure was the direct result of fraud by the applicant; or

(2) for the implementation of Recommendation 3 of VA Inspector General Report No. 05-00765-137 or any related review and investigation of post-traumatic stress disorder unemployment and 100 schedular percent ratings cases, until the Department of Veterans Affairs reports to the Committee on Appropriations on its plan for implementing this recommendation, and outlines the staffing and funding requirements.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1864) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1865

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator DURBIN and Senator MURRAY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. DURBIN and Mrs. MURRAY, proposes an amendment numbered 1865.

Mrs. HUTCHISON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To instruct the Department of Veterans Affairs to conduct a veterans disability compensation information campaign)

On page 81, line 2, insert "The VA shall conduct an information campaign in States with an average annual disability compensation payment of less than \$7,300 (according to the report issued by the Department of Veterans Affairs Office of Inspector General on May 19, 2005), to inform all veterans receiving disability compensation, by direct mail, of the history of below average disability compensation payments to veterans in such States, and to provide all veterans in each such State, through broadcast or print advertising, with the aforementioned historical information and instructions for submitting new claims and requesting review of past disability claims and ratings: *Provided further,*" after "*Provided,*".

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1865) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.



Mrs. HUTCHISON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1866

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator JEFFORDS and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. JEFFORDS, proposes an amendment numbered 1866.

Mrs. HUTCHISON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide clinical training and protocols to meet the mental health care needs of servicemembers and veterans)

On page 93, between lines 20 and 21, insert the following:

**SEC. 222. CLINICAL TRAINING AND PROTOCOLS.**

(a) FINDINGS.—Congress finds that—

(1) the Iraq War Clinician Guide has tremendous value; and

(2) the Secretary of Defense and the National Center on Post Traumatic Stress Disorder should continue to work together to ensure that the mental health care needs of servicemembers and veterans are met.

(b) COLLABORATION.—The National Center on Post Traumatic Stress Disorder shall collaborate with the Secretary of Defense—

(1) to enhance the clinical skills of military clinicians through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(2) to promote pre-deployment resilience and post-deployment readjustment among servicemembers serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(c) TRAINING.—The National Center on Post Traumatic Stress Disorder shall work with the Secretary of Defense to ensure that clinicians in the Department of Defense are provided with the training and protocols developed pursuant to subsection (b)(1).

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1866) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator

SALAZAR be added as the original cosponsor of the Feingold amendment that was just passed by consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1865

Mr. DURBIN. Mr. President, I am pleased to offer with Senator OBAMA this amendment to the Veterans appropriation bill. Our amendment will inform America's most under-compensated disabled veterans about how they may have their claims reviewed.

Americans have a fundamental dedication to fairness. No matter what a person's background, class, religion, race or other difference, everyone deserves to be treated equally under the law.

When we hear about unequal treatment, our basic sense of justice as Americans is shocked. We are perhaps doubly shocked when we hear of unequal treatment of disabled veterans.

We would expect that disabled veterans will receive differing levels of disability compensation based on the degree and type of their disability, but we do not expect to see the average amount paid to disabled veterans to vary greatly from State to State.

Unfortunately, the truth is that the average amount paid to disabled veterans across this country varies widely.

The May 19, 2005 Review of State Variances in VA Disability Compensation Payments released by the Department of Veterans Affairs Office of Inspector General confirms media reports that "variances in annual disability compensation by State have existed for decades." The average annual disability compensation payment in the highest State is \$12,004 per year. In the lowest State it is only \$6,961.

The State with the lowest average compensation is my own state of Illinois.

The report from the Inspector General of the Department of Veterans Affairs acknowledges that, in addition to demographic factors, inconsistency in VA rating decisions is one of the major causes of this disparity. A major reason for inconsistent decisions is the shortage of rating specialists in the VA offices reviewing the claims. The review's survey of VA rating specialists revealed that most of them do not believe the regional offices have sufficient rating staff.

On May 20, the day after the release of the report, Senator OBAMA and I hosted a Veterans Town Hall Meeting in Chicago. We invited the Secretary of Veterans Affairs to join us so that he could help explain to the veterans of our State how they had been so short-changed and so under-compensated for so long and—more importantly what he was going to do about it.

To the Secretary's credit he stepped up to the plate. He promised a special operation to review new claims as well as old ones and he committed to providing the additional staff to get this done.

These are steps in the right direction which might help correct a decades-long history of unequal treatment; a decades-long pattern of under-compensated veterans; a decades-long injustice.

Unfortunately, veterans can't ask for what they don't know about.

The purpose of our amendment is to set aside some funds which will allow the VA to conduct an information campaign to inform veterans of this past history of unequal treatment and under-compensation and to notify them of how they can have their case reviewed for possible correction.

The Secretary of Veterans Affairs made a commitment to making the situation right.

Here is what the Secretary said:

We are committed to doing what is right for our veterans. If that entails that we have to set up a special operation here in Illinois to review your claims or to look at new claims that you as an eligible veteran want to make, we will do that. We want each of you to feel that you have been treated fairly and equitably by your VA, because you deserve that.

The past is past, but as I have been charged by both of these Senators, the future is now, and we are going to make a special effort to see if we can have you feel sure that you have been treated fairly and equitably by the VA so that you will have a chance if you so choose to have a review of that, or you can bring the new information to us, and we will make every effort to see that that is reviewed, and reviewed fairly and equitably for you.

Later at that meeting, the Secretary promised to provide the staff to get this done. He said:

... If we need more people here, we're going to get them. And as I said when I spoke earlier, it looks like we could make a special effort for you to come in and have a review or come in with a new claim, and we're going to have people there to process it and do it just as timely as we can.

Recently, those additional disability rating specialists arrived to augment the existing staff at the Chicago regional office so that claims can be reviewed more thoroughly and more quickly.

Now the final step is for the VA to inform veterans that, while they have indeed been under-compensated and short-changed for decades, help is now available to them.

The amendment which we have offered requires the Department of Veterans Affairs to conduct an information campaign in those States where the average annual disability compensation payment made to veterans is less than \$7,300. According to the Inspector General's report of May 19, 2005, there were six "low cluster" States below this level of average disability payment. Those States were Illinois, New Jersey, Ohio, Connecticut, Michigan and Indiana. The intent of this measure is to inform veterans of the past history of below-average disability compensation payments in these States. It is also intended to provide these veterans with information on how to request a review of past

claims and ratings and how to submit new claims as the Secretary has promised. The campaign would include mailed notifications to all veterans in these States who are currently receiving disability compensation. The amendment also requires the Department to disseminate this information through broadcast and print advertisements in order to educate any veterans whose past claims may have been improperly denied.

The deliberate sharing of this information with our most under-compensated disabled veterans will help provide them with an opportunity to have their case reviewed and perhaps at long last to receive the compensation to which they are entitled.

I yield the floor.

AMENDMENTS NOS. 1867 AND 1868

Mr. SALAZAR. Mr. President, I rise to discuss two amendments to the Military Construction and Veterans Affairs appropriations bill.

My first amendment No. 1867, is an attempt to avoid the budget fiasco we faced earlier this year.

We are working on an appropriations bill for a Department of Veterans Affairs that is under a cloud. The VA is under a cloud because earlier this year, it announced a \$1.27 billion budget deficit.

This news came as a surprise to millions of veterans across the country and was completely unexpected by Members of Congress.

In fact, the news of this gigantic shortfall came, not from an official announcement, but by accident, during a routine budget meeting with congressional staffers. This was a billion-dollar blindside that never should have happened, and that should never happen again.

I commend Senators KAY BAILEY HUTCHISON and DIANE FEINSTEIN as well as Senators CRAIG and AKAKA for their leadership in speeding additional funding to fill the gap this year.

I also commend them for their great work in this appropriations bill and in their subcommittee report to make sure that this kind of budget fiasco does not happen again.

Specifically the requirement in this bill that VA make quarterly budget reports to Congress makes good sense.

My amendment would build on that obligation and require the VA to notify Congress immediately, if at any point in the year, they discover that the Department may face a budget shortfall totaling 2 percent or more of the VA's discretionary budget. It also would require VA to come up with a plan to improve its actuarial and long-term budget planning.

This amendment just makes common sense. Throughout the year, the VA is constantly receiving new data on enrollment, utilization, and medical costs.

The VA knew for some time that it faced higher than expected enrollment of returning Iraq veterans. The VA was shifting money between administrative

accounts to cover the gap well before they let Congressional appropriators and authorizers know. The earlier that Congress finds out about a problem, the more we can be partners in finding a solution.

Senators AKAKA, DURBIN, and I have asked GAO to investigate the VA's budget and actuarial process. My first amendment also would require the VA to do its own internal review and come up with a plan to improve the budget process to compliment this investigation.

My second amendment, No. 1868, would address a problem that was brought to my attention during a field hearing I held in Colorado on rural veterans issues in August.

Veterans in rural areas are in poorer health than their urban counterparts. A 2004 study found that rural veterans scored worse than urban veterans both in overall health and mental health. Because of the distance and difficulties in obtaining care, many rural veterans put off preventive as well as necessary treatment, which results in poorer health and ultimately increased health costs.

Almost every Senator in this body has heard similar stories, but I will tell one. Veterans in northwestern Colorado who have to drive as many as 360 miles round trip through winding mountain roads to reach the VA Medical Center in Grand Junction. This is a grueling trip that takes an economic and physical toll on our veterans and leads many to not seek care.

Community-based outpatient clinics can be the most cost-effective way to reach veterans and ensure they get the ongoing primary healthcare they need to stay healthy, and ward off expensive complications that come from lack of early treatment.

Despite this, the VA's prioritization methodology used to identify new clinic locations hurts rural veterans disproportionately.

Because of its emphasis on reaching the largest number of veterans in a cost-effective way, the VA's clinic planning process is geared to urban and suburban areas, where there are the largest numbers of veterans.

The Capital Asset Realignment for Enhanced Services, CARES, Commission asked VA to address this issue, and the VA has taken some important steps forward. However, at my hearing, VA officials told me that current policies still heavily favor urban areas, and were precluding the building of additional rural clinics.

In too many rural corners of this country, there are isolated pockets of veterans who do not have enough access to VA care. I believe that we need additional outpatient clinics in rural America. For too long, tight budgets and bad priorities have slowed the building of new clinics across the country. My amendment would take a small step to giving the VA the authority to expand access to health care in rural areas.

I yield the floor.

AMENDMENT NO. 1867

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk on behalf of Senator SALAZAR and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. SALAZAR, proposes an amendment numbered 1867.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on any Department of Veterans Affairs budget shortfall totaling 2 percent or more of the Department's total discretionary funding budget for a fiscal year)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) The Secretary of Veterans Affairs shall immediately submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a report on any Department of Veterans Affairs budget shortfall totaling 2 percent or more of the Department's total discretionary funding budget for a fiscal year.

(b) The Secretary of Veterans Affairs shall, not later than 180 days after the date of the enactment of this Act, submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a comprehensive plan to improve long-term budget planning and actuarial forecasting at the Department of Veterans Affairs.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1867) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1868

Mr. CRAIG. Mr. President, I send to the desk an amendment numbered 1868 on behalf of Senator SALAZAR. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. SALAZAR, proposes an amendment numbered 1868.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To assist rural veterans)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) In conducting advanced planning activities under this Act, the Secretary of Veterans Affairs shall reevaluate Veterans Health Administration Handbook 1006.1 and other guidance and procedures related to planning, activating, staffing, and maintaining community-based outpatient clinics.

(b) In conducting such planning, the Secretary shall—

(1) revise as appropriate existing policies to make them less disadvantageous to rural veterans; and

(2) reexamine criteria used in planning, activating, staffing, and maintaining such clinics, including geographic access, number of Priority 1-6 veterans, market penetration, cost effectiveness, and distance to parent facilities, to determine whether such criteria are weighted in a manner that negatively affects rural veterans.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 1868) was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I ask unanimous consent that at 3:10 today, the Senate proceed to a vote on or in relation to Akaka amendment No. 1852, with no amendments in order to the amendment prior to that vote; provided further that no other amendments be in order to the bill and that following disposition of the Akaka amendment, H.R. 2528 be read for a third time and the Senate proceed to a vote on passage with no intervening action or debate; provided further that following the vote the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I finally ask unanimous consent that there be 2 minutes equally divided for debate prior to passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, Senator AKAKA is en route to the floor to make some final comments on his amendment prior to the vote. With that in mind, and that vote occurring at 3:10, I will take 5 minutes or less to debate in opposition to the Akaka amendment. I do this with great difficulty because the Senator is proposing additional funding in an area that we have already concentrated on, both in the appropriating subcommittee and in the authorizing committee. He is asking for an additional \$10 million in the budget for the Veterans Readjustment Counseling Service. This would represent a \$14 million increase for the

service just this year and that is an increase of almost 15 percent in its budget.

I agree the Veterans Readjustment Counseling Service does great work. They have taken on some additional roles, including the Global War on Terrorism Outreach Program, but this bill already provides a generous \$4 million increase for this function and more broadly provides over \$3 billion for veterans health care programs.

I understand the Senator from Hawaii would like to focus some attention on this program with his amendment, but I would say to my colleagues that I believe the administration and the Senate Veterans Affairs' Committee, which I chair, has already focused the necessary needed additional attention on mental health and the counseling needed for our returning service members. We have also dialogued very directly with the Veterans' Administration and at this time they feel they are adequately funded.

The bill I sponsored, S. 1182, which was just reported to the floor from the Veterans' Committee, contains numerous provisions to increase and provide access to mental health and counseling services. VA could hire marriage and family therapists as well as licensed medical health care counselors.

Further, VA is directed to work on improving access to telehealth initiatives in our Vet Center Program, which VA has expressed a desire to do.

Finally, I oppose the amendment because it would further reduce VA's information technology budget, which I think is critical. VA has made tremendous strides in improving its IT programs. It has made some errors, but clearly the benefits are outweighing the mistakes, in my opinion, in most instances.

This bill places conditions on VA's access to its IT money to ensure it is well spent and properly managed. But at the end of the day, they must continue to move forward and make needed improvements to their IT program, and the money in this bill is critical to making sure they do that.

It is for all of these reasons, regretfully, that I stand to oppose Senator AKAKA's amendment. As I said, we are putting substantially more money into counseling and veterans readjustment counseling services.

We understand from where the Senator speaks. We appreciate it. Clearly, he and I and all of us who look more closely at veterans programs recognize the need for counseling for many of our veterans when they return. It is a high priority of this chairman; it is a high priority of the ranking member. It is my opinion that with the additional \$3.2 billion—new dollars—in the veterans budget which this represents, with the add-ons which we put in Interior and a variety of other appropriations, we have adequately funded necessarily and appropriately the services the Senator would wish to provide additional moneys for, taking them from

critical areas but still remaining very important.

I see the Senator is on the floor to speak to his amendment. I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Hawaii.

Mr. AKAKA. Mr. President, I will speak on this amendment. I tell our colleagues Senator CRAIG and I work very well together, and we will still work well together with the Veterans' Administration.

My amendment is to meet the needs that are there now. This amendment takes \$10 million from VA information technology—specifically from a troubled Health-E-Vet Migration Program. So this is an offset to the \$10 million.

IT is critically important. We know that. As ranking member of the Committee on Veterans' Affairs, I am quite familiar with VA's electronic medical record. VA is making use of the best technology out there. We saw how good the electronic medical record was following Hurricane Katrina when VA providers were able to access medical records of evacuees. This amendment would not impinge upon that critical program. I am also quite familiar with a failed computer program called CORE-F.L.S., which was abandoned after its failure at Big Pines VA Medical Center in Florida. To be sure, this \$300 million contract failed because of lax project management.

I want to make perfectly sure that the Health-E-Vet is on the right track. As recently as February of this year, VA hired Carnegie Mellon to assess this Health-E-Vet Program. Carnegie Mellon found that VA did not "have the needed staff or procedures for a large-scale system integration project."

In the meantime, PTSD and mental health needs of returning soldiers are absolutely critical. Vet centers are most likely the VA entity which will be first accessed by a returning soldier. History tells us that returning soldiers are more likely to seek treatment at a storefront vet center rather than a VA hospital or clinic.

I also remind my colleagues that if we reach returning soldiers with less serious readjustment issues, we might be able to stave off the more debilitating PTSD. This is a simple choice that we make at this time.

I thank my chairman for his comments.

Mr. President, I ask unanimous consent to add Senator JEFFORDS and Senator KERRY as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Thank you very much. I yield the floor.

Mr. FEINGOLD. Mr. President, the amendment that I am offering today will help to ensure that our veterans have easy access to information about the benefits that they have earned through their service to our country.

Each year, the Department of Veterans Affairs publishes an updated

version of a handbook entitled, "Federal Benefits for Veterans and Dependents," which contains useful information about benefits that are available through the VA. I have heard from a number of Wisconsinites who are concerned that this useful handbook is not readily available to our veterans and to County Veterans Service Officers, CVSOs, and others who assist our veterans.

It is my understanding that the Department purchases a limited number of copies of this handbook each year that some are distributed to VA regional offices, to VA health care facilities, and to State Departments of Veterans Affairs. Some of my constituents are concerned that some facilities appear to have large stockpiles of this handbook, while others only receive a very limited number. I am also told that distribution of the handbook is largely left up to regional and local VA officials.

A number of Wisconsin CVSOs have informed me that they are having trouble obtaining adequate supplies of this handbook, and that they often have to rely on VA health care facilities or other sources to obtain additional copies. While I recognize that the handbook is available for download on the Department's Web site and for purchase through the Government Printing Office, GPO, many CVSOs and veterans service organizations do not have the resources to copy or purchase this handbook in large quantities. In addition, many veterans, particularly older veterans, do not have access to—or are unable to use—the Internet and it seems unreasonable to charge them \$7 to purchase the handbook from GPO.

Veterans who want a copy of this handbook should get one—it's that simple. This handbook serves as a tangible reminder of the benefits they earned, and it also serves as a helpful guide for CVSOs, veterans service organizations, and others who work every day to ensure that our veterans receive these benefits. One Wisconsin CVSO tells me that this handbook is very valuable in his work with veterans, some of whom have told him that they have difficulty navigating the VA Web site or easily finding information in the online copy of the handbook. Being able to point a veteran to a specific page in the handbook is an important step in helping veterans to learn about their benefits or to find the answers to many common questions that veterans may have about these benefits.

Last year, in response to the concerns raised by my constituents, I asked former Secretary Principi to review the Department's policy for distributing this important handbook, including ensuring that CVSOs have access to this document. I also asked that he look into how to reallocate the supply to avoid a situation in which certain parts of the VA have surpluses while others are scrambling to get these handbooks to veterans who are requesting them. I also asked that he

provide an estimate of how much it would cost to ensure that all CVSOs in the country are provided at least one case of the handbook each year and whether the Department's current annual supply of handbooks could be reallocated to achieve this goal. Finally, I requested that the Secretary provide me with information on the distribution policies of the various VA administrations with respect to providing copies of this handbook to individual veterans, including a description of the VA's policy regarding making these handbooks visibly available to individual veterans at VA facilities.

In the former Secretary's response, he assured me that "... due to the increased outreach efforts initiated this past year, as well as the requests for additional handbooks from external veterans service providers, I am directing my senior leadership to reevaluate their requirements for publication and distribution of the 2005 handbook. Please be assured that county veterans service officers across the nation are included in next year's distribution." While I was encouraged by the former Secretary's response, CVSOs around Wisconsin tell me that they received only one or two copies of the 2006 edition of the handbook. This meager supply is not sufficient to use the handbook as a reference and to provide copies to veterans who request them.

The amendment that I am offering today would require the Secretary of Veterans Affairs to submit to the Senate and House Appropriations Committees a plan to provide an adequate supply of the 2006 edition of the "Federal Benefits for Veterans and Dependents" handbook and all subsequent editions of this handbook to all county veterans service officers in the country.

My amendment would also require the Secretary to work with the National Association of County Veterans Service Officers, other veterans service organizations, and state departments of veterans affairs to determine what supply is adequate and to include a cost estimate for providing these handbooks to all county veterans service officers in his report. The report would be due not later than 60 days after the enactment of this bill.

Some at the VA have argued that this important handbook was developed as a desk reference for VA employees, CVSOs, veterans service organizations, and others who help veterans to learn about and obtain their benefits. Former Secretary Principi's letter to me states that in 2003 "... more than 1.4 million copies of the handbook were printed and distributed through the VA system. VA facilities, in turn, distributed handbooks to local veterans support agencies and organizations, responded to requests for the handbooks and used them as special events such as homeless veterans stand downs, veterans conferences, health fairs, and job fairs." While this handbook is indeed a helpful reference for those who work on behalf of our Na-

tion's veterans, it is also a comprehensive and handy guide to veterans benefits that many veterans around my State have requested from their CVSOs. And it is evident from the former Secretary's response that the VA itself has made this publication available to individual veterans at a variety of events. No CVSO should have to refuse a veteran a copy of this booklet because he or she has been given an inadequate supply. No CVSO should have to tell a veteran that he or she does not have the budget to make the veteran a photocopy of the handbook or that he or she can gain access to it on the Internet or by purchasing it from GPO.

I am pleased that this amendment has the support of the Wisconsin Association of County Veterans Service Officers and the Wisconsin Department of the American Legion.

I understand that the managers have agreed to accept my amendment, and I want to thank them for their support on this issue. I look forward to reviewing the Secretary's report.

Mr. OBAMA. Mr. President, I rise today to support this important piece of legislation. As many of you know, the young soldiers returning from Iraq and Afghanistan are already coming home with post traumatic stress disorder. A recent Army study found that one in six soldiers in Iraq reported symptoms of major depression. Some experts predict that more than 100,000 soldiers may need some kind of mental health treatment when they come home.

It is not only our patriotic duty to provide these soldiers with the benefits they deserve; it is our moral duty at the most fundamental level. Unfortunately, PTSD is a disease that is still all too often misunderstood, and as I speak, there are efforts at the VA to require those folks who suffer PTSD to undergo additional scrutiny in the disability benefits process.

According to VA, it will review 72,000 cases in which the maximum amount of PTSD disability benefits was awarded. The rationale for reviewing these cases is VA's belief that 2.5 percent of these cases are "potentially fraudulent." But notably, this review will entirely ignore cases in which benefits may have been unjustly denied.

This review sends a troubling message to the brave men and women who defended this country. Too many veterans see the VA as a bureaucracy with the singular goal of denying services and benefits to veterans. This decision to reopen only approved PTSD claims merely serves to promote that impression.

It is unconscionable for our Government to put the onus on law-abiding veterans to affirmatively demonstrate that they are not engaging in fraud. The process of gathering evidence to prove PTSD disability is extremely time consuming. It requires the compilation of medical records, military service records, and testimony from

other veterans who can attest to a person's combat exposure. I cannot fathom why the VA would require veterans to go through this emotionally painful process for a second time.

The VA—and our Nation's veterans—would be better served by creating nationwide standards for evaluating PTSD claims. As underscored by the inspector general's report in May that evaluated the chronic disparity between benefits received by veterans in Illinois and veterans in the rest of the country, PTSD is a highly subjective evaluation subject to significant variation. That same report uncovered significant variation in PTSD ratings from State to State—with Illinois consistently in the bottom rung for those ratings. The variation in PTSD ratings across the country may very well be the result of a lack of training or standardized practices on the part of the VA, not fraud on the part of our Nation's veterans.

I am pleased that Chairman HUTCHISON and Ranking Member FEINSTEIN worked with me and Senators DURBIN and MURRAY to include an amendment that prohibits the VA from proceeding with its review unless and until the VA reports to the Appropriations Committee on its plan for implementing this recommendation and outlines the staffing and funding requirements.

While this is an important provision, I am disappointed that there was no requirement that the VA look at denials of benefits as well as grants. To get an accurate and fair depiction of PTSD claims in this country, we need to ensure that denials are reviewed as well as grants of benefits. I will continue to work with my colleagues to see that this fundamental issue of fairness is addressed.

I also want to thank Chairman HUTCHISON and Ranking Member FEINSTEIN for their assistance in accepting an amendment to provide notice to veterans in certain States about their right to seek a review of their cases.

This provision addresses an important issue in Illinois. As some of you may know, Illinois has for more than two decades ranked 50th out of all 50 States in terms of disability benefit compensation. This staggering disparity in payments may well be the result of poor staffing and a lack of standards for disability payments across the Nation.

I have been pleased that Secretary Nicholson has agreed to provide the veterans of Illinois with extra disability raters so that the veterans in Illinois who may have been unjustly denied benefits will have the opportunity to seek a special review of their cases.

Unfortunately, up to now, there has been no special effort made to alert veterans to this special opportunity. This amendment will provide the funds for information campaigns in states with less than average disability compensation rates. These campaigns will

alert veterans of the past history of below-average disability benefit rates and provide these veterans with information on how to request a review of any past claims. The hiring of additional disability raters is important, but it is meaningless unless veterans know of their right to get their cases reopened.

I thank my colleagues for their assistance with these amendments.

Mrs. FEINSTEIN. Mr. President, I propose that for the moment we set aside the Akaka amendment, that Senator CRAIG and I make our 2-minute ending comments, and we then have the vote on the Akaka amendment, and then final passage so there are consecutive votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you, Mr. President.

Mr. President, this bill is notable in several regards:

First, under the leadership of Senator AKAKA and Senator BYRD, we were able to provide \$1.977 billion in emergency funding in this bill to address the projected shortfall in veterans health care funding for 2006.

This is in addition to the \$1.5 billion in the 2005 supplemental funding we were able to add to the 2006 Interior appropriations bill to make up the current shortfall in veterans health care. The bill before the Senate now totals \$82.98 billion, of which \$44 billion is discretionary spending.

For military construction, the bill equals the budget request of \$12.116 billion. Although we have rearranged some of the funding within that request for the VA, the total amount appropriated in this bill is \$70.7 billion, including \$34.1 billion in discretionary and \$36.6 billion in mandatory spending. This is \$3.2 billion above the President's original budget request.

I commend and thank the chairman of the committee, Senator HUTCHISON of Texas. We have worked very well together in producing a very good bill. I am delighted we were able to finish it with quick speed.

I thank the staff on both sides. We have great professional staff. They have done a fine job.

I would like to turn it over to the chairman of the committee, my friend, Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

I certainly appreciate the comments of my ranking member, Senator FEINSTEIN, with whom I have worked very closely on this bill. We have tried to accommodate every Member to the best of our ability with the priorities that many Members are concerned about—certain areas of the Veterans' Administration particularly. I think we have addressed those concerns in a responsible way.

I think it is very important to pass this bill because we have stayed within

our budget allocation. We will be coming in later, I am sure, with some supplemental health for veterans facilities that have been in the hurricane-affected areas of our country, but I hope we will be able to defeat the Akaka amendment, which would skew the cap on the bill, and then go to final passage. I think it is a bill everyone can support. It certainly goes further in terms of meeting our veterans' needs than any veterans bill has ever done, including the supplemental \$3.2 billion, because the Secretary of Veterans Affairs came to us and said our models are wrong, we need more money, and we have supplied that money on a bipartisan basis.

I recommend this to my colleagues.

Mr. CRAIG. Will my colleague yield?

Mrs. HUTCHISON. I am happy to yield.

Mr. CRAIG. I appreciate the chairman yielding.

Let me say to the chairman and ranking member, as the chairman of the authorizing Committee of Veterans' Affairs, how much we appreciate the cooperative way in which we have worked together to get these numbers right. Both Senators have spoken very clearly to that effort and to the unprecedented amount of money that has flowed to veterans at this time, which we think is necessary and appropriate.

I thank the Senator for that due diligence.

Mrs. HUTCHISON. Mr. President, which amendment is pending?

VOTE ON AMENDMENT NO. 1852

The PRESIDING OFFICER. Time has expired. The question is on agreeing to the Akaka amendment.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Florida (Mr. MARTINEZ).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—48

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Harkin	Murray
Byrd	Inouye	Nelson (FL)
Cantwell	Jeffords	Nelson (NE)
Carper	Johnson	Obama
Chafee	Kennedy	Pryor
Clinton	Kerry	Reed
Collins	Kohl	Reid
Conrad	Landrieu	Rockefeller
Dayton	Lautenberg	Salazar

Sarbanes  
Schumer

Snowe  
Specter

Stabenow  
Wyden

# NAYS—50

Alexander  
Allard  
Allen  
Bennett  
Bond  
Brownback  
Bunning  
Burns  
Burr  
Chambliss  
Coburn  
Cochran  
Coleman  
Cornyn  
Craig  
Crapo  
DeMint

DeWine  
Dole  
Domenici  
Ensign  
Enzi  
Frist  
Graham  
Grassley  
Gregg  
Hagel  
Hatch  
Hutchison  
Inhofe  
Isakson  
Kyl  
Lott  
Lugar

McCain  
McConnell  
Murkowski  
Roberts  
Santorum  
Sessions  
Shelby  
Smith  
Stevens  
Sununu  
Talent  
Thomas  
Thune  
Vitter  
Voinovich  
Warner

# NOT VOTING—2

Corzine

Martinez

The amendment (No. 1852) was rejected.

Mrs. HUTCHISON. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CHAFEE). The majority leader is recognized.

Mr. FRIST. Mr. President, the next vote will be final passage. I congratulate Senators HUTCHISON and FEINSTEIN for expediting the bill this afternoon. It took the cooperation of all Members and proves that we can move quickly through the appropriations process under the leadership of two managers. As we continue that, we go forward. I also congratulate Senators BENNETT and KOHL for their hard work on the Agriculture appropriations bill passed this morning by a vote of 97 to 2.

As Members know, the Roberts nomination—again, congratulations to the Judiciary Committee—was reported by the Judiciary Committee today. We will turn to consideration of that nomination on Monday.

We will be in session tomorrow. Senators are invited to come to the floor tomorrow, if they would like to make any remarks on that nomination. We will be voting Monday at about 5:30. That will be the next vote.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, Members can come and talk about anything they want tomorrow. We will be in a period of morning business.

Mr. FRIST. We will be in a period of morning business tomorrow. I want to accommodate Members on their statements on the Roberts nomination or anything else tomorrow. The vote at 5:30 on Monday will not be on Roberts.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting, the Senator from Florida (Mr. MARTINEZ) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 243 Leg.]

# YEAS—98

Akaka  
Alexander  
Allard  
Allen  
Baucus  
Bayh  
Bennett  
Biden  
Bingaman  
Bond  
Boxer  
Brownback  
Bunning  
Burns  
Burr  
Byrd  
Cantwell  
Carper  
Chafee  
Chambliss  
Clinton  
Coburn  
Cochran  
Coleman  
Collins  
Conrad  
Cornyn  
Craig  
Crapo  
Dayton  
DeMint  
DeWine  
Dodd

Dole  
Domenici  
Dorgan  
Durbin  
Ensign  
Enzi  
Feingold  
Feinstein  
Frist  
Graham  
Gregg  
Grassley  
Hagel  
Harkin  
Hatch  
Hutchison  
Inhofe  
Inouye  
Isakson  
Jeffords  
Johnson  
Kennedy  
Kerry  
Kohl  
Kyl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln  
Lott  
Lugar

McCain  
McConnell  
Mikulski  
Murkowski  
Murray  
Nelson (FL)  
Nelson (NE)  
Obama  
Pryor  
Reed  
Reid  
Roberts  
Rockefeller  
Salazar  
Santorum  
Sarbanes  
Schumer  
Sessions  
Shelby  
Smith  
Snowe  
Specter  
Stabenow  
Stevens  
Sununu  
Talent  
Thomas  
Thune  
Vitter  
Voinovich  
Warner  
Wyden

# NOT VOTING—2

Corzine

Martinez

The bill (H.R. 2528), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. HUTCHISON. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title is amended.

The Senate insists on its amendments and requests a conference with the House and the Chair appoints Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. MCCONNELL, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. INOUE, Mr. JOHNSON, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, and Mr. LEAHY conferees on the part of the Senate.

# MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morn-

ing business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

# KATRINA HEALTH RELIEF PACKAGE

Mr. BAUCUS. Mr. President, I wish to read a quote from the Chicago Tribune, dated September 14, by Judith Graham, Tribune staff reporter commenting on the conditions of people needing medical care and needing it desperately on the heels of Katrina:

A New Orleans man with a brain tumor needed surgery fast—but when he found himself stranded without health insurance in Baton Rouge after Hurricane Katrina, it took the intervention of Ruth Kennedy, Louisiana's deputy Medicaid director, to get him help.

Yet this energetic state official can't possibly pull strings for all of the people who need medical assistance after the storm, such as an 89-year-old Louisiana man, now in Los Angeles with family, who couldn't fill his prescriptions because his Louisiana Medicaid card isn't good in California. Or a displaced New Orleans woman with colon cancer who needed chemotherapy but couldn't get an appointment in the city she had fled to after the storm.

Meeting the medical needs of up to 1 million hurricane evacuees scattered across the country looms as an enormous challenge. Most of them are without their medical records or any way to contact their physicians; many are suddenly without jobs and at risk of losing their medical coverage; and as a group, they're disproportionately likely to be needy and sicker-than-average.

Senator GRASSLEY, the chairman of the Finance Committee, and I have written a bill. We would like the swift passage of that bill. It is the Emergency Health Care Relief Act. This bill would provide victims of Hurricane Katrina with the health care they urgently need. We should pass this bill, and we should pass it immediately.

We have all seen the terrible destruction, the dead, the displaced, the hundreds of billions of dollars in damages.

Traveling down to the Gulf Coast last week, I saw the havoc Katrina had wreaked. It is stunning. It is like a war zone. It is worse than the pictures. It is worse than I had imagined.

At one stop, we went into what was left of a library. Muck and ruin covered books and other library materials. One shiny object caught my eye. I reached down to pick it up. What was it? It was a DVD of the film, "The Perfect Storm."

Among its many consequences, the hurricane inflicted countless blows to people's health. A third of Katrina evacuees in Houston had injuries or health problems, and more than half of those evacuees were seeking medical care.

The bill Senator GRASSLEY and I introduced will provide that care. Our bill will provide temporary Medicaid coverage for Katrina survivors. It will provide for a streamlined application. It will make benefits available right